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NATIONAL RAILROAD PASSENGER
CORPORATION dba AMTRAK and JOE DEELY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN EARL CAMPBELL,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION dba AMTRAK, JOE DEELY,
and DOES 1-15, inclusive,

Defendants.

Case No. C-05-05434 MJJ

**DEFENDANTS NATIONAL
RAILROAD PASSENGER
CORPORATION AND JOE DEELY'S
PRE-TRIAL CONFERENCE
STATEMENT**

Pre-Trial Conference

Date: January 7, 2008
Time: 9:30 a.m.
Judge: United District Court Judge
Martin J. Jenkins

Trial Date: January 9, 2008
Time: 8:30 a.m.
Judge: United District Court Judge
Martin J. Jenkins

1 Defendants NATIONAL PASSENGER RAILROAD CORPORATION dba AMTRAK
2 and JOSEPH DEELY hereby submit their pre-trial conference statement, in accordance with the
3 Court's Amended Pre-Trial Order dated July 12, 2007.

4 Trial is scheduled for January 9, 2008 before the Honorable Martin J. Jenkins.

5 **I. DEFENDANTS' STATEMENT OF THE CASE**

6 Working on a railroad crew is an inherently dangerous line of work. Every year we hear
7 of too many injuries and deaths of employees, passengers, and the public from railroad accidents
8 around the world. Some of these accidents are just that – unavoidable accidents. However,
9 some injuries and deaths may result from the poor safety practices of an individual employee
10 who works for a railroad company that has the highest safety standards. It is that railroad
11 company's obligation and responsibility to have policies and practices in place to identify and
12 remove that safety-challenged employee from service before a serious accident occurs.
13 AMTRAK is just such a company and Plaintiff John Campbell is that employee who a neutral
14 accurately described as an "accident waiting to happen."

15 Defendant National Passenger Railroad Corporation dba AMTRAK hired John Campbell
16 as an Assistant Conductor on September 30, 1998. During Mr. Campbell's first two years of
17 employment, he was promoted twice - first to Assistant Yard Conductor and then to Yard
18 Conductor. During the next few years of Mr. Campbell's employment, he committed a series of
19 serious safety and operating rules violations for which he was repeatedly disciplined. During the
20 same period of time he was being disciplined for various rules infractions, Mr. Campbell applied
21 several times, and was logically rejected, for promotion to AMTRAK's Locomotive Engineer
22 Trainee - a position with even greater safety responsibilities than Mr. Campbell's conductor
23 position.

24 Despite his earlier promotions when his performance was acceptable, and his series of
25 serious safety violations thereafter, Mr. Campbell alleges AMTRAK's failure to promote him to
26 the position of Engineer trainee was motivated by racial bias. Mr. Campbell alleges he applied
27 for and was denied the position several times while other employees Mr. Campbell believed to
28 be less qualified, or who Mr. Campbell believed had less seniority, were selected for the

1 position. Mr. Campbell, however, was not eligible for promotion to the Engineer trainee position
2 the first two times he allegedly applied because he had not worked the requisite one-year period
3 pursuant to AMTRAK's policy. Thereafter, his applications were rejected either because of his
4 record of safety violations or because he did not properly apply for the position.

5 AMTRAK finally discharged Mr. Campbell for his third serious rules infraction,
6 consistent with AMTRAK's progressive discipline guidelines. Every instance of Mr.
7 Campbell's rules violation was for his failure to follow basic but critical operating rules relating
8 to passenger or employee safety. Mr. Campbell's repeated violations of AMTRAK's safety
9 rules, not his race, disqualified him for promotion to the position of Engineer trainee and
10 eventually lead to his termination from employment on September 17, 2004. It is of great
11 important that the Public Law Board, the highest and final level of appeal available to Mr.
12 Campbell's union to challenge AMTRAK's decision to terminate his employment (which is
13 chaired by a neutral, non-railroad affiliated member), determined the termination decision was
14 just and upheld it.

15 **II. DEFENDANTS' STATEMENT OF UNDISPUTED FACTS¹**

16 1. AMTRAK hired Mr. Campbell as an Assistant Conductor at its Oakland,
17 California crew base on September 25, 1998.

18 2. As an Assistant Conductor at AMTRAK, Plaintiff was responsible for taking
19 passenger tickets, assisting passengers on and off the train, and insuring the safe movement and
20 operation of the trains.

21 3. At, or shortly following, the start of Plaintiff's employment, he received
22 AMTRAK's policies prohibiting racial discrimination and retaliation and describing formal
23 internal procedure for reporting EEO Complaints.

24 4. Specific to Conductors, Engineers, and other crew employees, AMTRAK has
25 adopted a series of safety and operating rules, along with training materials and instructions,
26 including: the General Code of Operating Rules (aka "GCOR"); Service Standards for Train

27 ¹ These undisputed facts derive from the parties' joint statement of undisputed facts, filed in
28 connection with Defendants' motions for summary judgment, and Plaintiff's deposition
testimony.

1 Service Employees; AMT-3, AMTRAK's Air Brake and Train Handling Rules and Instructions;
2 and, AMT- 5, AMTRAK's Safety Instruction for Transportation Employees (collectively,
3 "AMTRAK safety and operating rules").

4 5. All AMTRAK conductors and engineers are charged with knowing and following
5 AMTRAK's safety and operating rules as a condition of employment.

6 6. Mr. Campbell received the AMTRAK safety and operating rules these and
7 admits that he knew AMTRAK expected him to know and follow these as a condition of his
8 employment.

9 7. About three months after his hire, in September 1999, Mr. Campbell applied for
10 a position as Yard Conductor. He was not accepted into the position because someone else with
11 more seniority than he had applied.

12 8. Mr. Campbell agrees that the Yard Conductor position was properly awarded to
13 someone else in or around September 1999, because the selectee had greater seniority than he.

14 9. Mr. Campbell was subsequently accepted into the position of Assistant Yard
15 Conductor in 1999. As Assistant Yard Conductor, he had increased authority and increased
16 responsibility.

17 10. In the latter part of 2000, about a year after his move to Assistant Yard
18 Conductor, Mr. Campbell applied for and received the position of Yard Conductor.

19 11. A Yard Conductor is primarily responsible for switching equipment for train
20 make up to stage trains for departure and arrival. Adherence to safety and operation rules and
21 policies is a critical job function given the high frequency that a Yard Conductor switches
22 equipment.

23 12. On April 5, 2000, AMTRAK advised Plaintiff that he was charged with
24 responsibility for an incident that occurred on March 24, 2000 and it would formally investigate.

25 13. The charges involved damage that Mr. Campbell allegedly caused on March 24,
26 2000 when trucks (railroad cars) were moved improperly in the yard, a boxcar derailed,
27 equipment was damaged, and he failed to report the incident.

28 14. AMTRAK employs conductors pursuant to a collective bargaining agreement with

1 the United Transportation Union (UTU). That agreement provides that a conductor will not be
2 disciplined without the benefit of a hearing, unless the conductor agrees to waive the charge(s)
3 against him, and includes a right of appeal. Mr. Campbell was a member of the UTU.

4 15. After an employee is charged with a disciplinary violation, a formal investigatory
5 hearing is convened in which the employee, the employee's union representative, and a company
6 representative (referred to as the Charging Officer) attend the hearing and present evidence to a
7 Hearing Officer. The Hearing Officer is a full-time management employee who objectively hears
8 and decides the charges before him. At the investigation hearing, the employee has the ability to
9 call any witness desired. The hearing is recorded and transcribed. The decision of the Hearing
10 Officer may be appealed to the Labor Relations officer, and that decision may be appealed to the
11 Public Law Board where the claim is finally decided by a panel of three: an Organization
12 Member (union), a Carrier Member (company), and a Neutral Member (non-railroad affiliated)
13 who is the Chairman of the Board.

14 16. Also part of the disciplinary process is the waiver option, which is a plea bargain
15 negotiated between the union and management, where the employee admits guilt to a rule or
16 rules violation and waives his right to an investigative hearing in exchange for a negotiated
17 specified discipline.

18 17. Mr. Campbell acknowledged his misconduct and waived his right to a formal
19 investigation. As a result of his admitted misconduct and responsibility for the March 24, 2000
20 incident, he also agreed to receive a formal letter of reprimand.

21 18. In January 2002, Mr. Campbell was charged with four serious rules infractions
22 relating to a boxcar derailment on January 10, 2002. The charges included moving a train at an
23 unsafe speed (Charge 1), failing to work safely and to avoid damage to equipment (Charge 2),
24 failing to verify cars were properly secured before coupling or moving cars (Charge 3), and
25 failing to control train movement while moving cars into a spur track (Charge 4).

26 19. AMTRAK conducted a formal investigative hearing on March 15, 2002, which
27 included a transcribed hearing. As a result of the formal investigation, at which he and others
28 testified, Mr. Campbell was assessed a 10-day suspension, with 10 days held in abeyance. His

1 union bargaining representative appealed the suspension up both tiers of the appeal process to the
2 Public Law Board. On August 12, 2004, the Public Law Board upheld the suspension assessed
3 against Mr. Campbell.

4 20. The incident that led to Mr. Campbell's discharge took place on July 24, 2004,
5 when he was alleged to have improperly disabling the brakes on a locomotive during a move,
6 after which the locomotive began to roll away on its own volition following a hard coupling. As
7 a result of incident, Mr. Campbell was charged with five rules violations of the General Code of
8 Operating Rules, Service Standards for Train Service Employees, and AMT-3, AMTRAK Air
9 Brake and Train Handling Rules and Instructions.

10 21. AMTRAK's safety rules which Mr. Campbell received expressly prohibit
11 disabling the brakes on a locomotive during an active move, aka "cutting out the brakes."

12 22. As part of AMTRAK's investigative process, a formal investigative hearing was
13 conducted on September 9, 2004, at which testimony was taken and exhibits submitted. Mr.
14 Campbell was advised in writing that he could call any witness he wanted and submit
15 documentation in his defense. Mr. Campbell along with other witnesses testified at the formal
16 hearing. Mr. West testified that he witnessed Mr. Campbell cut out the brakes. In addition, Mr.
17 Campbell admitted that he cut out the brakes and that his conduct on July 24, 2004 violated
18 Amtrak's safety rules.

19 23. On September 17, 2004, Hearing Officer Patrick Gallagher issued a Decision. In
20 that Decision, Officer Gallagher found four of the five charges against Mr. Campbell had been
21 proven or were undisputed. Officer Patrick Gallagher stated in the Decision, it was "evident on
22 the record by the testimony of the Corporation's witnesses and your own testimony that you
23 clearly violated the rules and instructions regarding the movement and coupling of cars and
24 engines."

25 24. AMTRAK determined that the appropriate disciplinary response to Hearing
26 Office Gallagher's Decision, in light of testimony received at the investigative hearing and Mr.
27 Campbell's record of discipline, was termination of Mr. Campbell's employment. Mr. Campbell
28 was discharged on or about September 17, 2004.

1 25. On September 28, 2004, Mr. Campbell's union appealed his termination to
2 AMTRAK's Director of Labor Relations. On November 9, 2004, the Director denied the appeal,
3 noting, "[Mr. Campbell's] approach to operating rule compliance is the proverbial 'accident
4 waiting to happen'" and AMTRAK "should not be required to retain [Mr. Campbell] until there
5 is a serious incident where injuries, damage or delays occur because of [Mr. Campbell's]
6 misguided decision to short cut operating rules."

7 26. The union then appealed the Director of Labor Relations' decision to the Public
8 Law Board on November 10, 2004. The Board denied the appeal on February 24, 2006.

9 27. Mr. Campbell testified at his deposition that he submitted two applications for
10 promotion to Engineer position within the first year of his employment. AMTRAK has no
11 record of these applications.

12 28. AMTRAK has a one-year policy, by which AMTRAK would have declined to
13 consider Mr. Campbell for promotion in October 1998 and in June 1999 to Engineer because he
14 had worked within his craft (assistant conductor/conductor) for less than one year.

15 29. Mr. Campbell knew about AMTRAK's one-year policy because Tom Oughton
16 informed him of it when he was hired.

17 30. Mr. Campbell believes application of AMTRAK's one year policy in October
18 1998 and June 1999 was discriminatory because he believes AMTRAK promoted three other
19 employees (Jason Garman, Moyse Howard and Brice Carroll) to Engineer before they had
20 worked a year. In each instance cited by Mr. Campbell, the individuals either were never
21 promoted to Engineer or had worked in their respective crafts at AMTRAK for one year or
22 more prior to promotion to Engineer.

23 31. The Locomotive Engineer position is the most safety-sensitive position at
24 AMTRAK. As the Locomotive Engineer requisition profile states: Engineers are responsible
25 for the safe operation of diesel electric locomotives, complying with train orders, bulletin
26 orders, wayside signals, railroad regulations, railroad operating rules, special instructions, and
27 federal, state, and local regulations to transport passengers and equipment safely and efficiently.

28 32. It is the Engineer's responsibility to safeguard life and property in stressful

1 situations.

2 33. Applicants for promotion to the Locomotive Engineer Trainee position from the
3 Conductor position cannot take advantage of any bid or seniority rights. An applicant's
4 seniority in other crafts is not considered. Engineers and conductors work in different crafts,
5 belong to different unions, and hold no bid or seniority rights to the other's positions.

6 34. AMTRAK records reflect that on August 14, 2001, Plaintiff applied for an
7 Engineer Trainee position out of AMTRAK's San Jose, California facility. This job was
8 assigned a posting number of 50131788. Plaintiff was interviewed for the position on October
9 12, 2001. He received a three out of five interview score.

10 35. On January 25, 2002, AMTRAK sent Mr. Campbell a letter that stated he had not
11 been selected for the Engineer Trainee position, job posting no. 50131788.

12 36. Five job offers were extended for Engineer Trainee positions in 2002 in
13 connection with job posting no. 50131788. Three candidates received a score of 2 on the
14 interview, with 1 being the highest possible score. Two other candidates given offers received a
15 score of 3, the same score as Mr. Campbell's. No candidate who received a job offer for
16 Engineer Trainee received an interview score worse than Mr. Campbell.

17 37. AMTRAK has no record that Mr. Campbell ever applied for any Engineer
18 Trainee position in 2002.

19 38. The only opening for Engineer Trainee in Oakland in 2002, was posted on
20 October 16, 2002 and was open to a currently qualified Class I Engineer (aka "Reentry
21 Engineer"). Mr. Campbell was not a qualified Class I Engineer and therefore, would not have
22 been considered for a Reentry Engineer position.

23 39. Mr. Campbell applied for an Engineer Trainee position in November 2003. This
24 position was posted as job no. 50173583. In the posted job position description, AMTRAK
25 stated that it would only consider internal applicants. Mr. Campbell's resume stated that his
26 current employment was as a County of Alameda, In-Home Care Giver. At his deposition, Mr.
27 Campbell testified that he also submitted a job application that correctly identified AMTRAK as
28 his employer. AMTRAK has no record of any such application; Mr. Campbell has not provided

1 proof that he submitted such an application to AMTRAK in response to job posting 50173583.

2 40. The next application that Mr. Campbell submitted was on May 17, 2004, for an
3 Engineer Trainee position located in Oakland, California, posting no. 50178956.

4 41. Personnel issues forced AMTRAK to schedule a series of interviews for several
5 Engineer Trainee positions before background checks on current employees had been completed
6 – including, namely, for each employee-applicant whether he or she had a record of past
7 discipline. Normally, a review of past discipline is conducted before interviews are scheduled.

8 42. Mr. Campbell was subsequently interviewed by Sue Venturelli, Larry Follis, and
9 union representative Chad Skinner in connection with his May 2004 application for job posting
10 50178956.

11 43. Mr. Campbell likely would not have received an interview in connection with job
12 posting no. 50178956, had his disciplinary history been received and reviewed by Human
13 Resources before interviews were scheduled.

14 44. Mr. Campbell did not submit another application for promotion to Engineer after
15 his application in May 2004.

16 45. Mr. Campbell filed a Charge of Discrimination with the EEOC and DFEH against
17 AMTRAK on February 9, 2004 alleging race discrimination after he was not interviewed for the
18 Engineer position posted in November 2003, job posting no. 50173583.

19 46. Mr. Campbell filed a Complaint of Discrimination with the DFEH on August 17,
20 2005 alleging that his September 17, 2004 termination was a result of race discrimination and
21 retaliation by AMTRAK for his previous complaint to the EEOC in February 2004.

22 47. None of the decision makers or alleged decision-makers who were involved in
23 Plaintiff's discharge knew that he had filed a charge with any governmental agency at the time
24 the challenged decisions were made.

25 48. Steven Shelton started as District Superintendent of the Pacific Division in
26 March 2004.

27 49. Joseph Deely began as General Superintendent of the Pacific Division in
28 November 2002.

1 50. Mr. Campbell filed his lawsuit in December 2005.

2 51. Mr. Campbell does not allege race discrimination under the FEHA or Title VII
3 in his lawsuit.

4 52. Mr. Campbell has withdrawn his claims for intentional and negligent infliction
5 of emotional distress (fifth and sixth causes of action, respectively) against all Defendants.

6 **III. DISPUTED FACTS**

7 **Defendants' Statement of Disputed Facts**

8 1. Whether any person promoted to Engineer in 1998 or 1999 had less than one year
9 of service at AMTRAK prior to their promotion, and if so, whether their situations were
10 distinguishable from Mr. Campbell's.

11 2. Whether it was AMTRAK's practice not to interview applicants for Engineer
12 Trainee who had a history of discipline for serious operating rules or serious safety violations.

13 3. Whether any of the candidates who were offered an Engineer position in 2001 had
14 serious operating rules or serious safety rules violations comparable to Mr. Campbell's.

15 4. Whether Mr. Campbell submitted an application (in addition to his erroneous
16 resume that stated he was an external candidate for a position that was open solely to internal
17 candidates) in November 2003, in connection with job posting no. 50173583.

18 5. Whether Mr. Campbell was not offered promotion to Engineer Trainee in or
19 around May 2004 (in connection with job posting no. 50178956) because of his prior serious
20 operating rules and/or prior serious safety rules violations and discipline record.

21 6. Whether other candidates who had similar (identical in all materials respects)
22 serious operating rules and/or serious safety rules violations as Mr. Campbell were disqualified
23 from consideration for promotion to Engineer Trainee.

24 7. Whether Steve Shelton, AMTRAK's District Superintendent in the Pacific
25 Division, concluded and recommended based on Hearing Officer Patrick Gallagher's Decision
26 that in light of the current violations and Campbell's prior discipline record, the just and
27 necessary action was the termination of Mr. Campbell's employment.

28 9. Whether Joseph Deely played any role in Shelton's decision to terminate Mr.

1 Campbell's employment.

2 **IV. AGREED STATEMENT OF THE CASE**

3 Defendants do not believe that this case, or any part of it, is appropriate for presentation
4 by an agreed statement of facts.

5 **V. STIPULATIONS**

6 The Parties have stipulated that Plaintiff shall number his trial exhibits between 1 – 499,
7 and Defendants shall number their trial exhibits starting at 500.

8 Defendants have served on Plaintiff an advance copy of Defendants' proposed jury
9 instructions and list of Defendants' trial exhibits for the purpose of reaching agreement on jury
10 instructions and joint trial exhibits. As of this writing, the parties have not reached agreement on
11 these matters.

12 As of this writing, Plaintiff has served one version of Plaintiff's proposed juror
13 questionnaire, and Defendants are awaiting receipt of a second version from Plaintiff. Defendants
14 anticipate the parties will reach agreement on one or both versions of the juror questionnaire.

15 **VI. DISPUTED LEGAL ISSUES**

16 Defendants present their statement of disputed legal issues based on issues that have
17 surfaced during the litigation to date. Defendants reserve the right to supplement their statement
18 of disputed legal issues in response to Plaintiff's lists of trial witnesses and exhibits, Plaintiff's
19 motions in limine or responses to motions *in limine*, and/or other pre-trial motions/filings.

20 Some of the anticipated motions *in limine* Defendants will be filing include:

21 1. Whether allegedly racial slurs and racially-related remarks made by Defendant
22 Deely are admissible, if any there are, when not made directly to or about Mr. Campbell.

23 Plaintiff admitted at his deposition that no racially-related statement or remark was
24 directed towards him nor made about by any defendant. Nonetheless, Defendants anticipate that
25 Plaintiff and his attorneys will attempt to admit unreliable and stale rumors many years old that
26 Deely allegedly referred to African-Americans and other minorities in a racially derogatory
27 manner. Such "evidence" is neither admissible nor reliable.

28 Defendants will move *in limine* to exclude such evidence as irrelevant under FRE 402,

1 Beyda v. City of Los Angeles, 65 Cal. App. 4th 511, 516-522 (1998), and Fisher v. San Pedro
 2 Peninsula Hospital (1989) 214 Cal.App.3d 590, 609. In addition, such testimony and argument
 3 constitutes improper character evidence under FRE 404. Obviously Plaintiff wishes to argue that
 4 Deely allegedly engaged in prior bad acts which somehow suggests he discriminated or retaliated
 5 against Plaintiff. Any attempt by Plaintiff to introduce such collateral evidence would necessarily
 6 involve an attempt to show that Mr. Deely and/or AMTRAK acted in conformity with the prior
 7 bad act – thus, amounting to improper character evidence.

8 In addition, Defendants will urge the Court to exclude such collateral evidence because it
 9 would be unduly prejudicial, waste time, and mislead the jury under FRE 403.

10 For these reasons, Defendants submit that Plaintiff's claims should stand or fall on their
 11 own merit. Any evidence of the unsubstantiated concerns against Deely should not be admitted
 12 to prove how *Plaintiff* was treated in this case.

13 2. To what extent "comparative" evidence on how AMTRAK treated Caucasian
 14 employees is admissible as circumstantial evidence of racial discrimination or retaliation against
 15 Plaintiff.

16 Plaintiff has stated in past pleadings filed with this Court that he intends to present
 17 evidence that he was treated less favorably than others who were "similarly situated." Plaintiff's
 18 so-called evidence submitted in opposition to Defendants' motions for summary judgment
 19 focused on safety offenses allegedly committed by others that were neither relevant nor
 20 comparable to those committed by Plaintiff. The Ninth Circuit Court of Appeals has long held
 21 that "comparable evidence" necessarily requires that the employees with whom the plaintiff seeks
 22 to make a comparison are "similarly situated in *all* material respects." Aragon v. Republic Silver
 23 State Disposal, Inc., 292 F.3d 654, 660 (9th Cir. 2002) (citing with approval, McGuinness v.
 24 Lincoln Hall, 263 F.3d 49, 53-54 (2d Cir. 2001) (emphasis added); Moran v. Selig, 447 F.3d 748
 25 (9th Cir. 2006), following Aragon, supra. See also Ercegovich v. Goodyear Tire & Rubber Co.,
 26 154 F.3d 344, 352 (6th Cir. 1998) (holding "plaintiff must show that the "comparables" are
 27 similarly-situated in all respects")); Lynn v. Deaconess Med. Center-West Campus, 160 F.3d 484,
 28 487 (8th Cir. 1998) (requiring employees be "similarly situated in all relevant respects").

1 In order to qualify as “similarly situated” in all material respects, each person with whom
2 the plaintiff seeks to compare his treatment must have dealt with the same supervisor, must have
3 been subjected to the same standards, and must have engaged in the same conduct as the plaintiff
4 “without any differentiating or mitigating circumstances that would explain distinguish their
5 conduct or the employer’s treatment of them for it.” Machado v. Johnson, 191 Fed. Appx. 531
6 (9th Cir. 2006).

7 At the summary judgment stage, Plaintiff relied on faulty “comparable evidence” to
8 bolster his allegation that AMTRAK allowed Caucasian conductors to routinely disable or cut out
9 the brakes while it fired him for committing the same act. Plaintiff indiscriminately assumed that
10 all disabling of brakes are the same. Therefore, Defendants will move in limine to exclude such
11 argument and evidence because they do not meet the threshold requirement of “comparable
12 evidence” that is substantially similar “in all material respects.” Aragon v. Republic Silver State
13 Disposal, Inc., 292 F.3d 654, 660 (9th Cir. 2002).

14 3. To what extent Plaintiff may refer to or introduce verdicts or rulings from other
15 lawsuits filed against Defendants as proof that he was discriminated against in this case.

16 Defendants will move *in limine* for an order excluding any and all mention or evidence
17 proffered by Plaintiff on the subject of the *Campbell v. Amtrak* class action filed in the United
18 States District Court for the District of Columbia, the subject of the *Morgan v. Amtrak* action,
19 previously tried in this court, and any other lawsuit, claim, charges, verdict, settlement, consent
20 decree or legal judgment against or involving Amtrak (collectively, “unrelated legal
21 proceedings”), on the basis that such evidence is appropriate because none has no bearing
22 whatsoever to this case. (Despite their surnames, James Earl Campbell in this case bears no
23 relation to the named plaintiffs in the *Campbell* class action and did not participate in any way in
24 that case). In addition, any mention of such matters to the jury is likely to be highly prejudicial to
25 Defendants.

26 4. To what extent Plaintiff may rely on so-called statistical evidence regarding
27 AMTRAK’s workforce and hiring patterns to support Plaintiff’s claim that he was discriminated
28 against based on race.

1 In opposition to Defendants' motions for summary judgment, Plaintiff offered bogus
2 anecdotal evidence masquerading as "statistical evidence" on Amtrak's so-called hiring patterns.
3 Plaintiff's bogus evidence included his undisputedly false belief that AMTRAK never hired nor
4 promoted any African-American to Engineer or Engineer Trainee since 1998, to his knowledge,
5 despite his admission at his deposition that he knew of at least two African-American Engineers
6 promoted or hired during that same time frame. Plaintiff has also sent considerable effort
7 requesting discovery on the composition of AMTRAK's Engineer and Conductor workforces.

8 The undisputed truth is that Plaintiff's myopic view that AMTRAK has not hired any
9 African American Engineers is false. If required to refute Plaintiff's false claim, AMTRAK will
10 present undisputable evidence that it has hired or promoted at African-Americans to Engine
11 Service in Oakland. Rather than engage in this unnecessary exercise, Defendants submit that the
12 Court should refuse to admit such evidence, argument, etc.

13 5. To what extent Plaintiff may rely on his own calculations to support his claim for
14 damages and lost wages.

15 Defendants will move *in limine* to exclude Plaintiff's nonexpert calculations of his alleged
16 wage loss and loss of benefits on the ground that employee pay at Amtrak is governed by the
17 terms of the applicable union contract and subject to a series of complicated calculations. In this
18 case, Plaintiff was a member of the UTU, which represented conductors/assistant conductors. To
19 the extent that Plaintiff claims that Amtrak should have promoted him to Engine Service, his pay
20 would have been governed by a separate union contract between Amtrak and the BLE, which
21 represents engineers/engineer trainees. Defendants submit that the wage loss calculations
22 applicable under either a failure-to-promote or wrongful-discharge theory of the case would
23 necessarily require a forensic accountant or expert economist. Plaintiff has not declared any
24 expert witness in this case.

25 **VII. TRIAL PREPARATION**

26 The parties have stipulated to extend by seven (7) days the dates by which their pre-trial
27 filings and exchanges are due. Accordingly, the parties jointly applied to the Court on December
28 17th for an extension of time accordingly.

Under this stipulated schedule, the parties' respective pre-trial statements (with exhibit and witness lists) are due to the Court by no later than December 24, 2007.

(A) Witnesses To Be Called

Defendants' trial witness listing, as required by Court's Pre-Trial Order, is attached hereto as Exhibit A.

No expert witness has been designated by either side.

(B) Trial Exhibits, Schedules and Summaries

Defendants provided Plaintiff with a courtesy advance copy of their trial exhibit listing on December 19, 2008. Thereafter, the parties stipulated that Defendants' trial exhibits shall start at number 500. Defendants served their amended trial exhibit list and a corresponding set of tabbed trial exhibits to Plaintiff on December 21, 2007. Defendants have proposed that the parties meet and confer to identify joint or common exhibits. In addition, Defendants have proposed that the parties agree to narrow the issues and events presented at trial, for the purpose of reducing the number of exhibits in Defendants' exhibit listing.

Defendants' list of trial exhibit is attached hereto as Exhibit B.

(C) Voir Dire, Jury Verdict Forms, Etc.

The parties have stipulated to extend by seven (7) days the date by which their pre-trial filings and exchanges are due. Under the parties' stipulation, voir dire and jury verdict forms are to be filed by no later than December 27th.

As of this writing, the parties continue to meet and confer on a proposed jury questionnaire.

(D) Estimate of Trial Time

The Court's Amended Pretrial Order dated July 12, 2007 estimates that it will take the parties three weeks to present all evidence at trial. Defendants intend to adhere as close to the Court's 3-week estimate for trial as possible.

(E) Use of Discovery Responses

Defendants have included in their trial exhibits the following discovery responses provided by Plaintiff at trial, other than for the purpose of impeachment or rebuttal:

1 Plaintiff's Response to Request for Production of Document Set One, which is
2 Defendants' trial exhibit 1286.

3 **(F) Further Discovery or Motions**

4 All discovery is completed and closed.

5 With the exceptions of Defendants' pending motions for summary judgment and
6 Defendants' anticipated motions in limine and an anticipated motion to bifurcate the trial into
7 liability and damages phases, Defendants do not contemplate bringing any other motions before
8 the Court prior to trial.

9 **V. TRIAL ALTERNATIVES AND OPTIONS**

10 **(A) Settlement Discussions**

11 Prior to the filing of Defendants' Motion for Summary Judgment, the parties participated
12 in an early neutral evaluation, without result. Nevertheless, Defendants have invited Plaintiff to
13 engage in further settlement negotiations, as required under the Court's Amended Pre-Trial
14 Order.

15 **(B) Consent to Trial Before a Magistrate Judge**

16 Defendants do not consent to the trial of any part of this action before a Magistrate Judge.

17 **(C) Amendments, Dismissals**

18 Defendants do not anticipate any amendment to the pleadings at this time, nor any
19 stipulated dismissal of any parties, claims, or defenses, beyond Plaintiff's admission in his
20 opposition brief to Defendants' motions for summary judgment that he has withdrawn his Fifth
21 (Intentional Infliction of Emotional Distress) and Sixth (Negligent Infliction of Emotional
22 Distress) claims as preempted. *See* Pltf's Opp. Brief at 1, fn. 1.
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(D) Bifurcation, Separate Trial of Issues

As noted above, Defendants seek bifurcation of the compensatory and punitive damages issues in this case.

Respectfully Submitted,

JACKSON LEWIS LLP

Dated: December 21, 2007

By: 

Patrick C. Mullin
Cara Ching-Senaha
Attorneys for Defendants
NATIONAL RAILROAD PASSENGER
CORPORATION dba AMTRAK and JOE
DEELY

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EXHIBIT A

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NATIONAL RAILROAD PASSENGER
CORPORATION dba AMTRAK and JOE DEELY

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOHN EARL CAMPBELL,

Plaintiff,

v.

NATIONAL RAILROAD PASSENGER
CORPORATION dba AMTRAK, JOE DEELY,
and DOES 1-15, inclusive,

Defendants.

Case No. C-05-05434 MJJ (EDL)

**DEFENDANTS NATIONAL
RAILROAD PASSENGER
CORPORATION AND JOSEPH
DEELY'S WITNESS LIST**

Pre-Trial Conference

Date: January 7, 2008

Time: 9:30 a.m.

Judge: United District Court Judge
Martin J. Jenkins

Date of Trial: January 9, 2008

Time: 8:30 a.m.

Judge: United District Court Judge
Martin J. Jenkins

Name	Anticipated Scope of Testimony
Baxter, Gregg	<p>Mr. Baxter worked as Amtrak's Assistant Superintendent/Assistant General Manager during the relevant period, and also served for a time as Plaintiff's supervisor. He is expected to testify about the January 2002 incident for which an investigative hearing was held in March 2002. Mr. Baxter served as the Charging Officer. Plaintiff was found guilty of the charges against him and assessed a 20-day suspension. Mr. Baxter is also expected to testify about the basis for Plaintiff's suspension in 2002, including the rules and procedures that Plaintiff violated and the appropriateness of the punishment given to Plaintiff.</p> <p>In addition to the March 2002 investigative hearing, Mr. Baxter will testify about Plaintiff's employment with Amtrak, Plaintiff's work performance, issues regarding Plaintiff's employment including Plaintiff's disciplinary history, Plaintiff's termination from employment and the events leading to his termination.</p> <p>Mr. Baxter is also expected to testify about complaints that were made about Plaintiff, complaints made by Plaintiff during his employment, claims Plaintiff makes in his complaint including Amtrak's alleged failure to promote him, and Defendants' defenses.</p> <p>Furthermore, Mr. Baxter will deny that defendants engaged in any racially discriminatory, racially harassing, or retaliatory conduct towards Plaintiff.</p> <p>Assuming <i>arguendo</i> Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is denied, Mr. Baxter is also expected to testify about the diversity of Amtrak's engineers including African American hires and promotions since 1998 through the present.</p>
Belotti, Lou	<p>Mr. Belotti is expected to testify about his employment experience and his performance as an Amtrak manager, as well as Plaintiff's job performance and misconduct. Mr. Belotti is also expected to testify about complaints he received about Plaintiff's job performance. Mr. Belotti will deny that Defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff.</p>

Birckett, Sid

Mr. Birckett served as Amtrak's Assistant General Manager, California Corridor in March 2002. He is expected to testify about Plaintiff's failure to comply with Amtrak's safety and operating rules and procedures, his investigation into the January 2002 incident, and his participation in an investigative hearing in March 2002 (Case No. 019.02) involving Plaintiff. He is also expected to testify about the roles and responsibilities of conductors, assistant conductors and engineers; and the responsibility of the Conductor to secure cars prior to coupling. Mr. Birckett is also expected to testify about the suspension assessed against Plaintiff as a result of the January 2002 incident.

Mr. Birckett will also deny that Defendants engaged in any racially discriminatory, racially harassing, or retaliatory conduct towards Plaintiff.

Assuming *arguendo* that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Birckett is also expected to testify about the diversity of Amtrak's engineers including African American hires and promotions since 1998 through the present.

Burkett, William

Mr. Burkett worked as an Amtrak Engineer during the relevant period. He will deny Plaintiff's anticipated testimony that he had a comparable or worse safety record than Plaintiff prior to his hire or promotion to Engineer. Mr. Burkett is also expected to testify about Plaintiff's work performance, his working relationship with Plaintiff, and in particular, Plaintiff's practice of cutting out of the brakes. Mr. Burkett is also expected to testify about Amtrak's safety and airbrake policies and procedures, the dangers of disabling the air brakes, hard coupling, and the respective roles of Engineer and Conductor. He will also testify about Amtrak's commitment to safety, safety training, and disciplinary actions for serious safety violations including but not limited to disqualification from promotion and termination from employment, misconduct by Plaintiff, and Amtrak's defenses.

Assuming *arguendo* that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Burkett is also expected to testify about the diversity of Amtrak's engineers including African American hires and promotions since 1998 through the present.

Butler, Roger	Mr. Butler was employed by Amtrak as a management employee during the relevant period. He also served as hearing officer overseeing O.D.I. File No. 0.161 in 2000 and Case Number 019.02 in March 2002. Mr. Butler is expected to testify about the discipline and waiver procedure and process, the outcome of the 2002 hearing which resulted in Plaintiff's suspension, the underlying events that led to the 2000 and 2002 charges, and Plaintiff's admission/waiver in 2000 to the charges against him. Mr. Butler will deny that O.D.I. File No. 0.161 and Case Number 019.02 were handled any differently or less favorably to Plaintiff because of Plaintiff's race, and he will confirm that Plaintiff was expressly advised of his right to call witnesses in advance of the 2002 hearing. Mr. Butler will also deny that defendants engaged in any racially discriminatory or retaliatory conduct towards Plaintiff in connection with O.D.I. File No. 0.161 and Case No. 019.02 or the resulting outcomes.
Carroll, Brice	Mr. Carroll was promoted to Engineer Trainee in 2005. He is expected to refute Plaintiff's allegation that Amtrak did not have a disqualification rule or policy whereby employees were generally required to serve one year in their respective craft before they were considered for promotion to another craft, absent certain exceptions as well as Plaintiff's allegation that Plaintiff was more qualified for promotion to Engineer Trainee than Mr. Carroll.
Carroll, Denny	Mr. Carroll served as Amtrak Engineer in 2000. He is expected to testify about the incident for which Plaintiff admitted fault (waiver) and was disciplined in 2000. In particular, Mr. Carroll is expected to refute Plaintiff's allegation that Mr. Carroll was equally if not more responsible than Plaintiff for the 2000 incident.

<p>1</p> <p>2 Collins, Mark</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p>	<p>Mr. Collins served as Amtrak's Assistant Superintendent during the relevant period, and most recently, as Amtrak's Director of Operations. He participated in an interview of Plaintiff in late 2001 in consideration of Plaintiff's 2001 application for promotion to Engineer Trainee. Mr. Collins is expected to testify about the interview and selection process, his participation in the process, qualifications for promotion to Engineer Trainee, and Plaintiff's participation in the interview process. He is also expected to testify about Amtrak's rules, policies and procedures on safety, Amtrak's rules/policies on disqualification for promotion, and Plaintiff's nonselection for Engineer Trainee. In addition, Mr. Collins is expected to testify about Plaintiff's job performance including his adherence to safety and operating rules during the period that Mr. Collins supervised Plaintiff.</p> <p>Mr. Collins will also deny that defendants engaged in any racially discriminatory or retaliatory conduct towards Plaintiff.</p> <p>Assuming <i>arguendo</i> that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Collins is also expected to testify about the diversity of Amtrak's engineers including African American hires and promotions since 1998 through the present.</p>
<p>15 Commer, Jay</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>Mr. Commer worked as Amtrak's District Superintendent before Steven Shelton's ascension to that position in Spring 2004. Mr. Commer is expected to testify about the discipline he assessed Plaintiff in 2002 after the investigative hearing in which Plaintiff was determined guilty of the offenses with which he was charged. Mr. Commer is also expected to testify about the process by which discipline is assessed and factors that he considered. He will also testify about Plaintiff's job performance, including in particular Plaintiff's lack of compliance with safety and operating rules compliance, and Plaintiff's lack of professionalism.</p> <p>Mr. Commer will also deny that defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff.</p> <p>Assuming <i>arguendo</i> that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Commer is also expected to testify about the diversity of Amtrak's engineers including African American hires and promotions since 1998 through the present.</p>

Custodian of Records, County of Alameda	Defendants anticipate that they may call to testify the Custodian of Records ("COR") for the County of Alameda, for which Plaintiff provided in-home care services prior to his hire by Amtrak. In particular, Defendants anticipate the COR will authenticate various pay and other records relating to Plaintiff's in-home care services provided to or on behalf of the County of Alameda.
Custodian of Records and/or Personnel Department Representative, Southern Pacific/Union Pacific Railroad	Defendants anticipate that they may call to testify the Custodian of Records ("COR") and/or a department representative for Personnel for Southern Pacific/Union Pacific Railroad ("SP/UP"). Plaintiff was employed by SP/UP prior to his hire by Amtrak in 1998. In particular, Defendants anticipate the COR and/or personnel department representative will authenticate Plaintiff's personnel, discipline and other employment records relating to Plaintiff's employment at SP/UP, and testify about the job duties and responsibilities of Track Laborer, the position Plaintiff held prior to his hire by Amtrak.
Deely, Joseph	Mr. Deely is an individual defendant in this case, and Superintendent of Amtrak's Pacific Division. He is expected to testify about Amtrak's commitment to safety, Amtrak's safety rules and procedures, Amtrak's expectation that employees comply with safety and operating rules and procedures, and measures he and Amtrak took to improve railway safety. Mr. Deely is also expected to testify about his role as Superintendent, and the extent of his participation (if any) in hiring, promotion and firing decisions. In particular, Mr. Deely will deny that he had a role in Plaintiff's unsuccessful applications for promotion to Engineer Trainee and in Plaintiff's discharge. He will also deny that he engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff or anyone, and affirm that he had no knowledge of Plaintiff's alleged participation in protected activity.

Donofrio, Rickie

Ms. Donofrio served as the Case Intake Coordinator for Amtrak's Dispute Resolution Office from early 2000 through February 2006. She is expected to testify about Amtrak's investigation into and response to Plaintiff's allegations about purported promotion applications he made for Engineer Trainee. She is also expected to testify about the inappropriateness of an April 2004 email Plaintiff sent to Susan Venturelli. She will also testify about an April 21, 2004 letter she wrote to Plaintiff, and Amtrak's personnel, human resources and EEO policies, including but not limited to policies on racial discrimination, retaliation, and workplace diversity. In addition, Ms. Donofrio is expected to testify about Amtrak's policies and procedures for handling and responding to employee complaints. She is also expected to testify about Plaintiff's employment with Amtrak including DRO complaints made against Plaintiff, Amtrak's commitment to deter discrimination and retaliation in the workplace, and Amtrak's efforts to increase levels of diversity in both craft and management positions. She is expected to authenticate documents produced or used by Amtrak's Dispute Resolution Office.

Ms. Donofrio will deny that defendants engaged in any racially discriminatory or retaliatory conduct towards Plaintiff. She will also deny that she informed Joe Deely or Steven Shelton about Plaintiff's complaint to the DRO in April 2004.

Assuming *arguendo* that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Ms. Donofrio is also expected to testify about the diversity of Amtrak's engineers including African American hires and promotions since 1998 through the present, and Amtrak's efforts to increase levels of diversity in both craft and management positions.

<p>1</p> <p>2 Duffy, Tim</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p>	<p>Mr. Duffy served as Amtrak's Director of Human Resources during the relevant period. He is expected to testify about Amtrak's process for investigating and responding to complaints made by Amtrak employees, Amtrak's recruitment and hiring policies and procedures, Amtrak's personnel, human resources and EEO policies, including but not limited to policies prohibiting racial discrimination and retaliation, and enhancing workplace diversity. In addition, Mr. Duffy is expected to testify about training of conductors and engineers, and the qualification of conductors and engineers. He is also expected to authenticate documents produced or used by Amtrak's Human Resources and Training departments. Mr. Duffy is expected to testify about Amtrak's commitment to improve workplace safety, Amtrak's commitment to eliminate discrimination and retaliation in the workplace, and Amtrak's efforts to increase levels of diversity in both craft and management positions.</p> <p>Mr. Duffy will deny that defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff.</p> <p>Assuming <i>arguendo</i> that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Duffy is also expected to testify about the diversity of Amtrak's engineers including African American hires and promotions since 1998.</p>
<p>15</p> <p>16 Follis, Larry</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>Mr. Follis worked as Amtrak's Road Foreman during the relevant period. He also interviewed Plaintiff in 2004 for possible promotion to Engineer Trainee. Mr. Follis is expected to testify about the requirements of and qualifications for the Engineer Trainee position, Amtrak's hiring and promotion policies and procedures, the interview and selection process, Plaintiff's interview in mid-2004, the interview panel's deliberation in mid-2004, and the 2004 selection decisions. He is also expected to testify about Plaintiff's record of failing to follow Amtrak's safety rules and procedures, and the panel's consideration of that fact. Mr. Follis is also expected to testify about Amtrak's EEO policies prohibiting racial discrimination and retaliation. Mr. Follis will deny that Amtrak was contractually required to include the UTU in the selection deliberation process. He will also deny that Plaintiff received the highest interview score in mid-2004.</p> <p>Mr. Follis will deny that defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff.</p> <p>Assuming <i>arguendo</i> that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Follis is also expected to testify about the diversity of Amtrak's engineers including African American hires and promotions since 1998.</p>

<p>Gallagher, Patrick</p>	<p>Mr. Gallagher served as Hearing Officer in the Western Region during the relevant period. He is expected to testify about the investigative hearing process, his role and responsibility as Hearing Officer, the investigative hearing held in No. 386.04 which he oversaw in September 2004, the process and role of ODI (Office of Disciplinary Investigations) vis-à-vis the investigative process and promotion/hiring process. In addition, he is expected to testify about the decision he reached that Plaintiff had committed the offenses with which he was charged. Mr. Gallagher is also expected to testify about information developed in and surrounding the September 2004 investigative hearing (Case No. 386.04), at which Plaintiff and others testified. Mr. Gallagher will also testify about the fairness of the 2004 investigative hearing and process, along with Plaintiff's admission and other undisputed testimony at the September 2004 investigative hearing that Plaintiff cut out (disabled) the brakes as charged. Mr. Gallagher will deny that he conducted Case Number 386.04 any differently or less favorably to Plaintiff because of Plaintiff's race or because Plaintiff engaged in any protected activity.</p> <p>Mr. Gallagher will also deny that Defendants engaged in any racially discriminatory, racially hostile or retaliatory conduct towards Plaintiff in connection with Case No. 386.04 or the resulting decision, and confirm that Plaintiff and the UTU were advised that Plaintiff could produce any witnesses he desired.</p>
<p>Goosetree, Thomas</p>	<p>Mr. Goosetree served as Trainmaster during the relevant period. He also participated on the panel that interviewed Plaintiff in 2001. Mr. Goosetree is expected to testify about the requirements of and qualifications for the Engineer Trainee position, Amtrak's hiring and promotion policies and procedures, Amtrak's safety training, rules and procedures, the interview and selection process, Plaintiff's interview in 2001, and the qualification of conductors and engineers.</p> <p>Mr. Goosetree will deny that Defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff.</p>
<p>Gunther, Jim</p>	<p>Mr. Gunther served as Trainmaster in San Francisco during the relevant period. Plaintiff reported to Mr. Gunther for a time. Mr. Gunther is expected to testify about Amtrak's safety rules and procedures, and Plaintiff's work performance including in particular his compliance with safety and operating rules while Plaintiff served on the work train from San Francisco to Redwood City. In addition, he is expected to testify about reports and complaints that he received about Plaintiff, including a workplace violence incident involving Mr. Terry Province and Plaintiff. Mr. Gunther will deny that Defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff.</p>

Hanna, Barbara

Ms. Hanna served as Amtrak's Manager of Human Resources in Oakland, California in 2004. She is expected to testify about an April 2004 email that Plaintiff sent to Susan Venturelli, Amtrak's investigation into and response to Plaintiff's April 2004 email, which included among other things a review of various files and postings and review of the racial composition of Amtrak Engineers within Northern California. Ms. Hanna is also expected to testify about the inappropriateness of Plaintiff's April 2004 email to Susan Venturelli, Amtrak's personnel, human resources and EEO policies, including but not limited to those related to hiring, posting, promotions, racial discrimination, retaliation, and workplace diversity, and Amtrak's policies and procedures for handling and responding to employee complaints. She is also expected to testify about job postings and minimum stated qualifications for Engineer Trainee beginning on or about October 1998 through 2000. She is expected to authenticate documents produced or used by Amtrak's Human Resources department. Ms. Hanna is also expected to testify about Amtrak's commitment to deter discrimination and retaliation in the workplace, and Amtrak's efforts to increase levels of diversity in both craft and management positions. She will deny Plaintiff's assertion that Amtrak failed to hire or promote any African-American to Engineer since 1998 on the basis of race. Further, she will deny that defendants engaged in any racially discriminatory, racially harassing, or retaliatory conduct towards Plaintiff. Ms. Hanna will deny that she informed Joe Deely, Steven Shelton or Tim Sheridan about Plaintiff's complaint(s) to EEO, HR, DRO or any other administrative agency.

Assuming *arguendo* that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Ms. Hanna is also expected to testify about the diversity of Amtrak's engineers including African American hires and promotions since 1998 through the present.

Ho, Paul

Mr. Ho served as Human Relations Officer during the relevant time period. He is expected to testify about Amtrak's personnel, human resources and EEO policies, including but not limited to those related to hiring, posting, promotions, racial discrimination, retaliation, workplace diversity, and Amtrak's policies and procedures for handling and responding to employee complaints. In addition, he is expected to testify about the process and procedure for Engineer recruitment, including but not limited to posting, screening, background checks, disqualification from consideration due to safety violations and/or rule offenses, disqualification based on insufficient service in the employee's present craft, and interviewing and hiring. He is also expected to testify about the qualifications and requirements for hiring or promotion to Engineer Trainee, and his role in recruitment for Engine Service, including in particular two postings for which Plaintiff applied: (1) Posting #50131788 in August 2001; and (2) Posting #50173583 in November 2003. In addition, Mr. Ho is expected to testify about his service on the interview panel for Posting #50131788. He will testify about the panel's deliberation and the fact that the panel disqualified Plaintiff from consideration because he had a previous serious operating rules violation. Mr. Ho will also testify about the process by which applications are received, processed and rejected or advanced in the process. He is also expected to testify about a resume he received from Plaintiff in on or about November 19, 2003, in which Plaintiff stated that he worked for the County of Alameda as an In-Home Caregiver since April 1997. Mr. Ho will deny that Plaintiff submitted any application form or other document in which Plaintiff identified himself as a current Amtrak employee. Mr. Ho is also expected to testify about other Engineer postings for which Mr. Ho recruited and Plaintiff did not apply.

Mr. Ho will also deny that defendants engaged in any racially discriminatory or retaliatory conduct towards Plaintiff.

Assuming *arguendo* that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Ho is also expected to testify about the diversity of Amtrak's engineers including African-American hires and promotions since 1998.

Hriczak, Larry

Mr. Hriczak served as Amtrak's Director of Labor Relations during the relevant period. He is expected to testify about application and interpretation of relevant terms of the UTU collective bargaining agreement, including but not limited to hiring, promotion, discipline, and precedential disciplinary and investigative decisions. In addition, he is expected to testify as to the calculation of Plaintiff's alleged damages, should evidence relevant to Plaintiff's claim for damages be necessary.

Humes, John	Mr. Humes, current Amtrak employee, will testify as to the calculation of Plaintiff's alleged damages, should evidence relevant to Plaintiff's claim for damages be necessary.
Iannone, C.A.	Mr. Iannone was the union's member of the panel convened to hear Case No. 37 involving Plaintiff in Summer/Fall 2004. He is expected to testify about the investigative hearing in 2004 and underlying events, as well as the appeal and review process. He will deny that the panel engaged in any racially discriminatory or retaliatory conduct towards Plaintiff. He will also deny that the panel conducted itself any differently or less favorably towards Plaintiff because of Plaintiff's race or alleged participation in protected activity.
Leininger, Pat	Mr. Pat Leininger, a senior officer from Washington DC, will testify as to the financial condition of Amtrak, should evidence relevant to punitive damages be necessary.
Madden, Billy	<p>Mr. Madden witnessed a workplace violence incident involving Mr. Terry Province and Plaintiff. Mr. Madden will deny that Mr. Province instigated the incident. He will also deny that Defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff.</p> <p>Assuming <i>arguendo</i> that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Madden is also expected to testify about the diversity of Amtrak's engineers including African-American hires and promotions since 1998.</p>
Magazin, Michael	Mr. Magazin served as Manager of Operating Rules during the relevant period. In particular, Plaintiff reported to Mr. Magazin for his second and third Conductor Promotion Exams, in about March 2000 and July 2000, respectively. Mr. Magazin is expected to testify about his responsibilities as Manager of Operating Rules, the importance of the Conductor Promotion examination, the process for qualification of Conductors, and the nature of Amtrak's operating rules and safety procedures. In addition, Mr. Magazin is expected to testify about Plaintiff's performance on the job, especially related to workplace safety and compliance with operating rules.

Magers, Don	Mr. Magers worked as a Conductor at Amtrak during the relevant period. He is expected to testify about Amtrak's safety and operating rules and procedures, and to deny that he cut out brakes during an active move. He is also expected to testify about his participation on Amtrak's Safety Committee for Conductors, Amtrak's commitment to safety, Amtrak's safety training, rules and procedures including those that prohibit the cutting out (disabling) of brakes and require proper coupling. Mr. Magers is also expected to testify about the role and responsibility of Conductor during car movement.
McGrath, Rich	Mr. McGrath served as Amtrak Service Manager in 2000. In addition, Mr. McGrath supervised Plaintiff for a time. He is expected to testify about Plaintiff's early training, training of conductors, Plaintiff's job performance when Plaintiff reported to him, the Conductor Promotion exam, the importance of the examination, the process for qualification of conductors, and the nature of Amtrak's operating rules and safety procedures, and the dangers of cutting out the brakes or trucks. He is also expected to testify that it took Plaintiff three tries to pass the Conductor Promotion Exam. Mr. McGrath will also deny that Defendants engaged in any racially discriminatory or retaliatory conduct towards Plaintiff.

Munoz, Elias

Mr. Munoz served as Officer of EEO Compliance in Amtrak's legal department during the relevant period. He is expected to testify about Plaintiff's complaint of discrimination to the EEOC (Charge No. 376-2004-00295, filed on 2/9/04), Amtrak's response thereto submitted in June 2004, and Amtrak's personnel, human resources and EEO policies. He is also expected to testify regarding Amtrak's EEO training, policies and procedures, prevention of discrimination in the workplace, and efforts to recruit minorities and increase levels of diversity in both craft and management positions. Mr. Munoz will also testify about Plaintiff's communications with Amtrak's DRO office, Plaintiff's communications with Amtrak's EEO office, Plaintiff's administrative charge(s), and steps that he took to investigate and respond to allegations in Plaintiff's administrative charge(s). He is expected to authenticate certain Amtrak business records including, but not limited to EEO, DRO and HR documents relating to employee complaints and personnel records. He will testify about Amtrak's commitment and efforts to deter discrimination and retaliation in the workplace.

Mr. Munoz will deny that Defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff. He will also deny that he informed Joe Deely or Steven Shelton about Plaintiff's DRO and administrative complaint(s).

Assuming *arguendo* that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Munoz is also expected to testify about the diversity of Amtrak's engineers including African American hires and promotions since 1998 through the present.

Oughton, Tom

Mr. Oughton previously worked as a Road Foreman. He is expected to testify about Plaintiff's hire and his role in Plaintiff's hire as an Assistant Conductor at Amtrak. In addition, Mr. Oughton is expected to testify about the role and responsibilities of assistant conductors and conductors, the substance and application of Amtrak's one-year qualification policy, and discussions he had with Plaintiff about the one-year qualification policy. He will deny Plaintiff allegation that he threw away Plaintiff's application(s) for promotion. Mr. Oughton will also deny that he made racially derogatory or discriminatory statements about or against Plaintiff at any time. He is also expected to testify about Plaintiff's job performance. Mr. Oughton will deny that Defendants engaged in any racially discriminatory or retaliatory conduct towards Plaintiff in any way, in particular in connection with Plaintiff's employment and Plaintiff's alleged applications for promotion to Engine Service.

<p>1</p> <p>2 Phelps, Richard</p> <p>3</p> <p>4</p> <p>5</p>	<p>Mr. Phelps is a Vice-President at Amtrak and an African American male. He is expected to testify about his working relationship with and supervision of Joseph Deely, as well as Amtrak's commitment to racial equality, racial diversity and recruitment, and elimination of racial discrimination and retaliation. He will deny that Defendants engaged in any racially discriminatory, racially harassing, or retaliatory conduct towards Plaintiff.</p>
<p>6</p> <p>7 Preusser, Patrick</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p> <p>27</p> <p>28</p>	<p>Mr. Preusser worked as Amtrak's Assistant Superintendent during the relevant period. He was the decision-maker for Engineer Trainee job posting 50178956, for which Plaintiff applied and was not selected. In addition, Mr. Preusser approved Plaintiff's discharge and processed Plaintiff's exit from Amtrak on or about September 17, 2004. Mr. Pressuer is also expected to testify about his role and responsibilities as Assistant Superintendent, the interview and selection process for Engine Service, the basis for his selection decision Engineer Trainee job posting 50178956 and his decision to not promote Plaintiff, the qualifications for and requirements of Engineer Trainee, Amtrak's safety rules and procedures, and Plaintiff's allegations surrounding his purported applications for promotion to Engineer. In addition, Mr. Preusser is expected to testify about Amtrak's hiring and promotion policies and procedures, and Amtrak's EEO policies prohibiting racial discrimination and retaliation. He will deny that Amtrak was contractually required to include the UTU in the interview panel's decision-making. He will also deny that Plaintiff received the highest interview score for job posting 50178956, and he will deny Plaintiff's allegation that he was the most qualified for the job.</p> <p>In addition, Mr. Preusser will deny that Defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff.</p> <p>Assuming <i>arguendo</i> that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Pressuer is also expected to testify about the diversity of Amtrak's engineers including African American hires and promotions since 1998.</p>

<p>Province, Terry</p>	<p>Mr. Province worked for Amtrak in San Francisco during the relevant time period. He is expected to testify about an incident involving Plaintiff, which led him to make a workplace violence complaint against Plaintiff. Mr. Province is also expected to testify about the handling and resolution of the complaint he made against Plaintiff. He will also testify about Plaintiff's job performance, and how Amtrak's safety rules and procedures. He will deny that Defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff. He will also deny that his complaint against Plaintiff was motivated by Plaintiff's race or Plaintiff's alleged protected activity.</p> <p>Assuming <i>arguendo</i> that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Province is also expected to testify about the diversity of Amtrak's engineers including African-American hires and promotions since 1998.</p>
<p>Robinson Jr., William</p>	<p>Mr. Robinson served as the carrier's member of the panel convened to hear Case No. 37 in or around the Summer/Fall 2004. He is expected to testify about the hearing and underlying events involving Mr. Campbell and the investigative hearing, as well as the appeal and review process. Mr. Robinson will deny that the panel engaged in any racially discriminatory or retaliatory conduct towards Plaintiff. He will also deny that the panel conducted itself any differently or in a manner less favorable to Plaintiff because of Plaintiff's race or because Plaintiff allegedly engaged in protected activity.</p>
<p>Schmidt, Bob</p>	<p>Mr. Schmidt, current Amtrak employee, will testify as to the calculation of Plaintiff's alleged damages, should evidence relevant to Plaintiff's claim for damages be necessary.</p>

Shelton, Steve

Mr. Shelton was Amtrak's District Superintendent during the relevant period. He is expected to testify about Plaintiff's employment with Amtrak, including Plaintiff's work and safety performance, Plaintiff's failure to comply with operating and safety rules and procedures, Plaintiff's disciplinary history, and Plaintiff's termination from employment, including factors and events that led to Plaintiff's discharge. In addition, Mr. Shelton will testify about complaints against Plaintiff, complaints that Plaintiff made during his employment, and Plaintiff's alleged qualifications for promotion to Engine Service. Mr. Shelton will refute Plaintiff's allegation that Amtrak failed to promote him to Engineer Trainee for discriminatory or retaliatory reasons. Mr. Shelton is expected to testify about Amtrak's commitment to safety, safety training and operating rules and procedures. He will also testify about qualifications and requirements for Engineer Trainee and rules/procedures/policies on disqualification from promotion and/or termination from employment. He will also testify about the basis for discipline against Plaintiff in 2004 following the investigation hearing.

Mr. Shelton will also deny that Defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff.

Assuming *arguendo* that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Shelton is also expected to testify about the diversity of Amtrak's engineers including African-American hires and promotions since 1998.

Sheridan, Timothy

Mr. Sheridan was Train Master and Plaintiff's direct supervisor in 2004. He also served as Amtrak's Charging Officer for the July 24, 2004 incident. Mr. Sheridan is expected to testify about the investigative hearing, the decision, and the underlying facts in Case No. 386.04, including Amtrak's safety, operating and airbrake rules, Amtrak's commitment to safety, safety training and disciplinary actions for safety violations including but not limited to disqualification from promotion and termination from employment. He will deny that Defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff. He will also deny that he had any knowledge about allegations Plaintiff made in April 2004, or any of Plaintiff's administrative, EEO or DRO complaint(s).

Assuming *arguendo* that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. Sheridan is also expected to testify about the diversity of Amtrak's engineers including African-American hires and promotions since 1998.

<p>Sturken, Al</p>	<p>Mr. Sturken served as Trainmaster in San Francisco when Plaintiff worked at the San Francisco location. Mr. Sturken is expected to testify about Plaintiff's job performance especially with regard to workplace safety, and compliance with safety and operating rules. Mr. Sturken will deny that Defendants engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff.</p>
<p>Venturelli, Susan</p>	<p>Ms. Venturelli has served as Amtrak's Human Resources Officer in Oakland since Spring 2004. She is expected to testify about Amtrak's commitment to diversity. She is also expected to testify about misconduct by Plaintiff, Amtrak's investigation into and response to concerns Plaintiff raised in an email she received in April 2004, Amtrak's selection process and procedure for Engineer Trainee in general and for Engine Service postings since and including 2004. She will also testify about Amtrak's rules, policies and practices for consideration of and disqualification for promotion to Engine Service and for discharge. She is also expected to testify about Amtrak's human resources and EEO policies, including but not limited to policies prohibiting racial discrimination, and policies and procedures for handling and responding to employee complaints. Ms. Venturelli is also expected to authenticate documents produced or used by Amtrak's Human Resources department.</p> <p>Ms. Venturelli will deny Plaintiff's allegation that Amtrak failed to hire or promote any African-American to Engineer since 1998. Further, she will deny that Defendants engaged in any racially discriminatory or retaliatory conduct towards Plaintiff. She will also deny that she informed Joe Deely, Steven Shelton or Tim Sheridan about complaint(s) Plaintiff made to Amtrak's EEO, HR, DRO or any state or federal agency.</p> <p>Assuming <i>arguendo</i> that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Ms. Venturelli is also expected to testify about the diversity of Amtrak's engineers including African-American hires and promotions.</p>

<p>Walker, Ed</p>	<p>Mr. Walker served as Amtrak's former Vice President of Transportation during the relevant period, and Joe Deely's supervisor. He is expected to testify about his working relationship with and supervision of Mr. Deely, as well as Amtrak's commitment to racial equality, racial diversity and recruitment, and to elimination of racial discrimination and retaliation. He is also expected to testify about Amtrak's safety rules and procedures, Amtrak's commitment to safety, safety training and development, and Amtrak's implementation of rules, policies and practices affecting employees who committed repeated serious safety violations, including those affecting promotion and/or disqualification from promotion to Engine Service and discharge. Mr. Walker will also deny that Defendants engaged in any racially discriminatory or retaliatory conduct towards Plaintiff.</p>
<p>West, Dave</p>	<p>Mr. West worked as Amtrak's Mechanical Superior at the time of the incident on or about July 24, 2004 involving Plaintiff. Mr. West is expected to testify that he witnessed Plaintiff cut out (disable) the brakes on a locomotive, in violation of SOFA and Amtrak's safety rules and procedures. Mr. West is also expected to testify about his participation in the September 2004 investigative hearing, the result of which Plaintiff was adjudicated guilty of cutting out the brakes and failing to secure equipment prior to coupling. Mr. West is also expected to testify about Amtrak's commitment to safety, safety training, safety procedures and policies, and disciplinary actions for safety violations including but not limited to disqualification from promotion to Engine Service and termination from employment. Mr. West will deny that Defendants engaged in any racially discriminatory or retaliatory conduct towards Plaintiff.</p> <p>Assuming <i>arguendo</i> that Defendants' motion in limine to preclude sham statistical and anecdotal evidence about the racial composition of Amtrak's workforce or Amtrak's engineers is unsuccessful, Mr. West is also expected to testify about the diversity of Amtrak's engineers including African American hires and promotions since 1998.</p>
<p>Zusman, Marty</p>	<p>Mr. Zusman served on the panel that considered System Docket OC -UTU-SD-829D/NMB No. 106 (the appeal of Plaintiff's 2002 incident and discipline). He was also the neutral member of the panel convened to hear Case No. 37 involving Plaintiff in August 2004. He is expected to testify about the hearing and underlying events, as well as the appeal and review process. He will deny that the panel engaged in any racially discriminatory, or retaliatory conduct towards Plaintiff. He will also deny that the panel conducted itself any differently or less favorably to Plaintiff because of Plaintiff's race or because Plaintiff allegedly engaged in protected activity.</p>

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Respectfully Submitted,

Dated: December 21, 2007

JACKSON LEWIS LLP

By: /s/ Cara Ching-Senaha

PATRICK C. MULLIN

CARA CHING-SENAHA

Attorneys for Defendants

NATIONAL RAILROAD PASSENGER

CORPORATION dba AMTRAK, and JOE DEELY

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EXHIBIT B

DEFENDANTS' TRIAL EXHIBIT LISTING

Exhibit No.	Date (if stated)	Bates No.	Brief Description/Title	Offered/ Sponsoring Witness	Marked for Identification	Admitted (A)/ Not Admitted (NA)
500.	10/10/01	D02116	Background Check for Internal Candidates			
501.	09/25/10	D02117	Background Check for Internal Candidates			
502.	10/10/01	D02118	Background Check for Internal Candidates			
503.	09/25/01	D02119	Background Check for Internal Candidates			
504.		D02120- D02121	Interview Rating Notes			
505.	10/10/01	D02122-D0214	Rating Scale form			
506.	01/25/02	D02125	Letter: from HR to Ruiz			
507.	08/13/01	D02126- D02127	Job Opportunity Application: Engineer Trainee			
508.		D02128	Ruiz Resume			
509.	08/13/01	D02129	CA DMV Information Request			
510.	09/17/01	D02130	Background Check for Internal Candidates			
511.	08/23/01	D02131	Letter: from HR to Manuel Ruiz			
512.	10/16/01	D02132	Background Check for Internal Candidates			
513.	09/25/01	D02133	Background Check for Internal Candidates			
514.	09/25/01	D02134	Background Check for Internal Candidates			
515.	10/17/01	D02135	Background Check for Internal Candidates			

516.	10/17/01	D02136- D02143	Interview Rating Notes			
517.	10/17/01	D02144- D02146	Rating Scale form			
518.	08/03/01	D02147- D02148	Job Opportunity Application: Locomotive Engineer Trainee			
519.	07/30/01	D02149	Letter: from Buchanan to Collins			
520.		D02150	Buchanan Resume			
521.		D02151	Buchanan identification copies			
522.	09/17/01	D02152	Background Check for Internal Candidates			
523.	08//23/01	D02153	Letter: from HR to Mark Buchanan			
524.	10/03/01	D02154- D02163	Interview Rating Notes			
525.	10/03/01	D02164	Background Check for Internal Candidates			
526.	09/24/01	D02165	Background Check for Internal Candidates			
527.	09/25/01	D02166	Background Check for Internal Candidates			
528.	10/03/01	D02167	Background Check for Internal Candidates			
529.	10/03/01	D02168- D02169	Rating Scale form			
530.	01/26/02	D02170	Letter: from HR to Axel Mahlmann			
531.	08/03/01	D02171- D02172	Job Opportunity Application: Locomotive Engineer Trainee			
532.	10/02/01	D02173- D02180	Interview Rating Notes			
533.	10/03/01	D02181 D02182	Background Check for Internal Candidates			
534.	09/25/01	D02183	Background Check for Internal			

535.	09/25/01	D02184	Candidates Background Check for Internal Candidates			
536.	10/03/01	D02185	Background Check for Internal Candidates			
537.	09/17/01	D02186	Background Check for Internal Candidates			
538.	08/23/01	D02187- D02188	Rating Scale form			
539.	10/02/01	D02189	Letter: from HR to Haggerty			
540.	01/26/02	D02190- D02191	Job Opportunity Application: Locomotive Engineer Trainee			
541.	08/14/01	D02192- D02193	Rating Scale form			
542.	10/02/01	D02194	Letter: from Brown re Haggerty			
543.	09/21/01	D02195	Background Check for Internal Candidates			
544.	09/17/01	D02196	Letter: from HR to Haggerty			
545.	08/23/01	D02197- D02204	Interview Rating Notes			
546.	10/03/01	D02205	Background Check for Internal Candidates			
547.	10/03/01	D02206	Background Check for Internal Candidates			
548.	09/25/01	D02207	Background Check for Internal Candidates			
549.	10/03/01	D02208	Background Check for Internal Candidates			
550.	09/24/01	D02209	Letter: from HR to Jeff Ward			
551.	01/26/02	D02210- D02211	Job Opportunity Application: Engineer			
552.	08/13/01	D02212	Ward Resume			
553.		D02213	Letter: from Ward re interview			
554.		D02214	Background Check for Internal			

555.	09/17/01	D02215	Candidates Letter: from HR to Ward			
556.	08/23/01	D02216	Letter from Ward re interview			
557.		D02217- D02224	Interview Rating Notes			
558.	10/05/01	D02225	Background Check for Internal Candidates			
559.	09/25/01	D02226	Background Check for Internal Candidates			
560.	10/05/01	D02227	Background Check for Internal Candidates			
561.	10/04/01	D02228	Background Check for Internal Candidates			
562.	09/25/01	D02229- D02230	Rating Scale form			
563.	10/05/01	D02231	Letter: from HR to Caron			
564.	01/26/02	D02232- D02239	Interview Rating Notes			
565.	10/05/01	D02240- D02241	Rating Scale form			
566.	10/05/01	D02242- D02243	Job Opportunity Application: Engineer Trainee			
567.	08/14/01	D02244	Letter: from HR Sullivan			
568.	02/01/02	D02245	Letter: from HR to Daniel Klitzing			
569.	02/01/02	D02246	Personnel Action Request			
570.	01/29/02	D02247- D02248	Job Opportunity Application: Locomotive Engineer Trainee			
571.	10/10/01	D02257	Interview rating notes			
572.	10/10/01	D02258	Interview rating notes			
573.	09/17/01	D02259	Klitzing interview rating notes			
574.	08/23/01	D02260	Interview rating notes			
575.	10/10/01	D02261	Interview rating notes - page 1			
576.	10/10/01	D02262	Interview rating notes - page 2			

577.	10/10/01	D02263	Interview rating notes – page 1			
578.	10/10/01	D02264	Interview rating notes – page 2			
579.		D02249	Klitzing Resume			
580.	09/17/01	D02250	Background Check for Internal Candidates			
581.	08/23/01	D02251	Letter: from HR to Klitzing			
582.	09/21/01	D02252	Letter: from Brown re Klitzing			
583.	09/25/01	D02253	Background Check for Internal Candidates			
584.	10/10/01	D02254	Background Check for Internal Candidates			
585.	09/25/01	D02255	Background Check for Internal Candidates			
586.	10/10/01	D02256	Background Check for Internal Candidates			
587.	10/10/01	D02265- D02266	Rating Scale form			
588.		D02267	“Not Selected, In Pool”			
589.	01/25/02	D02268	Letter: from HR to Terry Province			
590.	08/13/01	D02269- D02270	Job Opportunity Application			
591.	08/09/01	D02271	Letter: from Terry Province			
592.		D02272	Province Resume			
593.	08/02/01	D02273	CA DMV Information Request			
594.	09/17/01	D02274	Background Check for Internal Candidates			
595.	08/23/01	D02275	Letter: from HR to Province			
596.	09/26/01	D02276- D02281	Interview Rating Notes			
597.	09/25/01	D02282	Background Check for Internal Candidates			
598.	09/26/01	D02283	Background Check for Internal Candidates			

599.	09/25/01	D02284	Background Check for Internal Candidates			
600.	09/25/01	D02285	Background Check for Internal Candidates			
601.	09/26/01	D02286-D02287	Interview Rating Notes			
602.	09/26/01	D02288-D02289	Rating Scale form			
603.	01/26/02	D02290	Letter: from HR to Diana Booker			
604.	08/06/10	D02291-D02292	Job Opportunity Application: Engineer			
605.	08/06/01	D02293	Booker Resume Interview Rating Notes			
606.	10/12/01	D02302	Background Check for Internal Candidates			
607.	09/25/01	D02303	Background Check for Internal Candidates			
608.	10/12/01	D02304	Background Check for Internal Candidates			
609.	09/25/01	D02305	Background Check for Internal Candidates			
610.	09/17/01	D02306	Background Check for Internal Candidates			
611.	08/23/01	D02307	Letter: from HR to Diana Booker			
612.	10/12/01	D02308-D02309	Rating Scale form			
613.	08/01/01	D02310	Job Description			
614.	08/07/01	D02311	Letter: from Hobart to Amtrak			
615.	01/29/02	D02313	Personnel Action Request			
616.		D02313	"OK" note			
617.	08/15/01	D02314-	Job Opportunity Application:			

618.			D02315	Locomotive Engineer Trainee				
619.	08/07/01		D02316	Letter: from Hobart to Amtrak				
620.			D02317	Hobart Resume				
621.	08/07/01		D02318-D02319	CA DMV Information Request				
622.	08/07/01		D02320	Medical Record for Vance Hobart				
623.	08/03/01		D02321	Letter: from Brown re Hobart				
624.	08/06/01		D02322	Letter from Keller re Hobart				
625.	08/08/01		D02323	Letter from Breed re Hobart				
626.	08/06/01		D02324	Letter from Keller re Hobart				
627.			D02325	Hobart Resume				
628.	08/07/01		D02326	CA DMV Information Request				
629.	08/07/01		D02327	Medical Record for Vance Hobart				
630.			D02328	Letter from Howard re Hobart				
631.	08/03/01		D02329	Letter from Brown re Hobart				
632.	08/06/01		D02330	Letter: from Keller re Hobart				
633.	08/08/01		D02331	Letter: from Breed re Hobart				
634.	09/17/01		D02332	Background Check for Internal Candidates				
635.	08/23/01		D02333	Letter: from HR to Hobart				
636.	10/12/01		D02334	Background Check for Internal Candidates				
637.	09/25/01		D02335	Background Check for Internal Candidates				
638.	10/12/01		D02336	Background Check for Internal Candidates				
639.	09/25/01		D02337	Background Check for Internal Candidates				
640.	10/12/01		D02338-D02345	Interview Rating Notes				
	10/12/01		D02346-D02347	Rating Scale form				

641.	01/25/02	D02348	Letter: from HR to Amy Collier			
642.	08/03/01	D02349- D02350	Job Opportunity Application: Locomotive Engineer Trainee			
643.	08/07/01	D02351	Collier Resume			
644.	09/17/01	D02352	Background Check for Internal Candidates Background Check for Internal Candidates			
645.	08/23/01	D02353	Letter: from HR to Amy Collier			
646.	10/17/01	D02354- D02357	Interview Rating Notes			
647.	09/25/01	D02358	Background Check for Internal Candidates			
648.	09/25/01	D02359	Background Check for Internal Candidates			
649.	10/17/01	D02360	Background Check for Internal Candidates			
650.	10/16/01	D02361	Background Check for Internal Candidates			
651.	10/17/01	D02362- D02365	Interview Rating Notes			
652.	10/17/01	D02366- D02367	Rating Scale form			
653.	02/01/02	D02368	Letter: from HR to Hobart			
654.	01/25/02	D02369	Letter: from HR to Donald Shelton			
655.	08/15/01	D02370- D02371	Job Opportunity Application: Locomotive Engineer Trainee			
656.	09/17/01	D02372	Background Check for Internal Candidates			
657.		D02373- D02375	Shelton Resume			
658.	08/23/01	D02376	Letter: from HR to Shelton			
659.	10/05/01	D02377- D02382	Interview Rating Notes			

660.	10/05/01	D02383	Background Check for Internal Candidates			
661.	10/05/01	D02384	Background Check for Internal Candidates			
662.	09/25/01	D02385	Background Check for Internal Candidates			
663.	10/05/01	D02386	Background Check for Internal Candidates			
664.	10/05/01	D02387- D02388	Interview Rating Notes			
665.	10/05/01	D02389- D02390	Rating Scale form			
666.	01/25/02	D02391	Letter: from HR to Cindy Loeak			
667.	08/15/01	D02392- D02393	Job Opportunity Application: Locomotive Engineer			
668.		D02394	Loeak Resume			
669.	09/17/01	D02395	Background Check for Internal Candidates			
670.	08/23/01	D02396	Letter: from HR to Cindy Loeak			
671.	10/12/01	D02397- D02404	Interview Rating Notesw			
672.	10/12/01	D02405	Background Check for Internal Candidates			
673.	09/25/01	D02406	Background Check for Internal Candidates			
674.	09/25/01	D02407	Background Check for Internal Candidates			
675.	10/12/01	D02408	Background Check for Internal Candidates			
676.	10/12/01	D02409- D02410	Rating Scale form			
677.	01/25/02	D02411	Letter: from HR to Fuentez			
678.	08/15/01	D02412- D02413	Job Opportunity Application			

679.	09/26/01	D02414	Background Check for Internal Candidates			
680.	09/25/01	D02415	Background Check for Internal Candidates			
681.	09/25/01	D02416	Background Check for Internal Candidates			
682.	09/24/01	D02417	Background Check for Internal Candidates			
683.	09/26/01	D02418-D02425	Interview Rating Notes			
684.	09/17/01	D02426	Background Check for Internal Candidates			
685.	08/23/01	D02427	Letter: from HR to Fuentez			
686.	09/26/01	D02428-D02429	Rating Scale form			
687.	01/25/02	D02430	Letter: from HR to Coutinho			
688.	08/13/01	D02431-D02342	Job Opportunity Application: Locomotive Engineer			
689.	08/15/01	D02433	Letter: from Coutinho to Amtrak Personnel Dept.			
690.		D02434-D02435	Coutinho Resume			
691.	12/16/99	D02436	Certificate of Achievement of Coutinho			
692.	09/17/01	D02437	Background Check for Internal Candidates			
693.	08/23/01	D02438	Letter: from HR to Coutinho			
694.	09/25/01	D02439	Background Check for Internal Candidates			
695.	09/25/01	D02440	Background Check for Internal Candidates			
696.	09/26/01	D02441	Background Check for Internal Candidates			
697.	09/24/01	D02442	Background Check for Internal			

698.		09/26/01	D02443-D02450	Candidates Interview Rating Notes			
699.		09/26/01	D02451-D02452	Rating Scale form			
700.		01/25/02	D02453	Letter: from HR to Latraverse			
701.		01/13/01	D02454-D02455	Job Opportunity Application: Locomotive Engineer Trainee			
702.			D02456-D02465	Latraverse Resume Interview Rating Notes			
703.		05/15/01	D02466	Background Check for Internal Candidates			
704.		05/15/01	D02467	Waiver			
705.		09/17/01	D02468	Background Check for Internal Candidates			
706.		08/23/01	D02469	Letter: from HR to Latraverse			
707.		10/02/01	D02470-D02471	Rating Scale form			
708.		01/25/02	D02472	Letter: from HR to Campbell			
709.		08/14/01	D02473-D02474	Job Opportunity Application: Engineer			
710.		10/12/01	D02476-D02483	Interview Rating Notes			
711.		10/09/01	D02484	Email: from Pesau to Ho0			
712.		09/24/01	D02485	Background Check for Internal Candidates			
713.		08/23/01	D02486	Letter: from HR to Campbell			
714.		10/12/01	D02487-D02488	Rating Scale form			
715.		01/25/02	D02489	Letter: from HR to Swanson			
716.		08/15/01	D02490	Job Opportunity Application: Locomotive Engineer			
717.		10/08/01	D02491	Background Check for Internal Candidates			

718.	09/17/01	D02492	Background Check for Internal Candidates			
719.	08/23/01	D02493	Letter: from HR to Swanson			
720.	09/17/01	D02494	Background Check for Internal Candidates			
721.	10/17/01	D02495- D02502	Interview Rating Notes			
722.	10/17/01	D02503	Rating Scale fomr			
723.	08/01/01	D02505	Job Posting			
724.	07/26/01	D06818	Letter: from HR to Duvall			
725.	05/14/04	D06819- D06821	Job Opportunity Application: Passenger Engineer			
726.	07/15/04	D06822	Personnel Action Request			
727.		D06823- D06824	Job Opportunity Application			
728.	07/09/04	D06825- D06833	Locomotive Engineer Realistic Job Preview			
729.	07/09/04	D06834- D06853	Locomotive Engineer Interview Booklet: Friend			
730.	07/09/04	D06854- D06873	Locomotive Engineer Interview Booklet: Skinner			
731.	07/08/04	D06874- D06893	Locomotive Engineer Interview Booklet: Venturelli			
732.	07/08/04	D06894- D06913	Locomotive Engineer Interview Booklet: Prensner			
733.	07/08/03	D07011- D07030	Locomotive Engineer Interview Booklet: Venturelli			
734.	07/16/04	D07264 D07265	Letter: from HR to Rankin / State Driving Record Request			
735.	07/13/04	D07266	State Driver Registry Check			
736.		D07267- D07269	Job Opportunity Application: Passenger Engineer-Trainee			
737.		D07270- D07272	Job Opportunity Application: Passenger Engineer Trainee			

738.			D07273- D07274	Rankin Resume			
739.	07/08/04		D07275- D07276	Request/Consent for Information from Previous Employer on Alcohol & Controlled Substances Testing			
740.	07/08/04		D07277- D07296	Locomotive Engineer Interview Booklet: Follis			
741.	07/08/04		D07297- D07316	Locomotive Engineer Interview Booklet: Jaeger			
742.	07/08/04		D07317- D07336	Locomotive Engineer Interview Booklet: Skinner			
743.	07/08/04		D07337- D07356	Locomotive Engineer Interview Booklet: Rogers			
744.	07/08/04		D07357- D07376	Locomotive Engineer Interview Booklet: Venturelli			
745.	07/08/04		D07377- D07385	Locomotive Engineer Realistic Job Preview			
746.	01/25/02		UTU 028	Letter: from HR to Campbell			
747.				BLANK			
748.	11/13/03		D02947- D02948	Plaintiff's Application # 2 (Job Requisition and Qualification Profile			
749.	11/13/03		D02949	Email: From Commer to Hanna			
750.	01/07/04		D02950	Offer Letter: from HR to Jason Garman			
751.	11/19/03		D02951- D02952	Garman Job Application for Passenger Engineer			
752.	12/23/03		D02953- D02954	Personnel Action Request			
753.	12/26/03		D02955	Authorization for Examination or Treatment			
754.	12/23/03		D02956- D02957	Transmission Verification Report			

755.			D02958- D02959	Garman Resume				
756.	12/26/03		D02960	Authorization for Examination or Treatment				
757.	12/18/03		D02961- D02969	Locomotive Engineer Realistic Job Preview				
758.	12/18/03		D02970	Email: from Hogan Assessment Systems to Amtrak				
759.	12/18/03		D02971- D02972	Hogan Personality Inventory – Suitability Report: Garman				
760.	12/16		D02973	“OK” note				
761.	12/15/03		D02974	Background Check for Internal Candidates				
762.	12/19/03		D02975- D02994	Locomotive Engineer Interview Booklet; Shelton				
763.	12/19/03		D02995- D03014	Locomotive Engineer Interview Booklet; Barnes				
764.	12/19/03		D03015- D03034	Locomotive Engineer Interview Booklet; Collins				
765.	12/19/03		D03035- D03054	Locomotive Engineer Interview Booklet; Ho				
766.	01/07/03		D03055	Offer Letter: from HR to Michael Poirier				
767.			D03056	“OK” note				
768.	11/19/03		D03057- D03059	Poirier Job Application: Passenger Engineer (2)				
769.	11/17/03		D03060	Certified Mail Receipt (to Amtrak HR)				
770.	12/23/03		D03061- D03062	Personnel Action Request				
771.	01/06/04		D03063	Email: from Freeman to Ho				
772.	12/24/03		D03064	Authorization for Examination or Treatment				
773.	12/23/07		D03065-	Transmission Verification				

774.		12/16/03	D03066 D03067	Report Background Check for Internal Candidates				
775.			D03068	Job Application: Passenger Engineer (2)				
776.			D03071- D03072	Poirier Resume				
777.		12/18//03	D03074- D03076	Hogan Personality Inventory – Suitability Report: Poirier				
778.		12/18/03	D03077- D03085	Locomotive Engineer Realistic Job Preview				
779.		12/19/03	D03086- D03105	Locomotive Engineer Interview Booklet; Barnes				
780.		12/19/03	D03106- D03125	Locomotive Engineer Interview Booklet; Collins				
781.		12/19/03	D03126- D03145	Locomotive Engineer Interview Booklet ; Shelton				
782.		12/19/03	D03146- D03165	Locomotive Engineer Interview Booklet ; Ho				
783.		01/29/04	D03166	Vacancy Assignments				
784.		01/29/04	D03167	Closed Union Vacancies				
785.		11/14/03	D03168- D03169	Passenger Engineer Posting				
786.			D03170- D03172	Lopez Resume				
787.			D03173- D03181	Remsen Resume				
788.		11/19/03	D03182- D03185	Campbell Resume				
789.			D03186	Cassity Resume				
790.			D03187- D03188	Watson Resume				
791.		11/18/03	D03189- D03191	Email: from Bass to Ho; Thomas Resume				

792.			D03192- D03193	Camp Resume			
793.			D03194- D03196	Castenada Resume			
794.			D03197- D03198	Putnam Resume			
795.			D03199- D03200	Knudsen Resume			
796.		01/13/04	D03203	Letter: from HR to Christopher Clipper			
797.		12/18/03	D03204	Clipper Job Application: Locomotive Engineer			
798.		12/19/03	D03206- D03207	Request/Consent for Information from Previous Employer on Alcohol & Controlled Substances Testing			
799.		11/18/03	D03208	Letter: from Clipper to Amtrak			
800.			D03209	Clipper Resume			
801.			D03210	"On Hold - OK" Note			
802.		12/15/03	D03211	Background Check for Internal Candidates			
803.		11/18/03	D03212	Letter: from Clipper to Amtrak			
804.			D03213- D03214	Clipper Resume			
805.		11/19/03	D03215	Fax Cover Sheet from Clipper to Amtrak			
806.		12/18/03	D03216	Email: from Hogan Assessment Systems to Amtrak			
807.		12/18/03	D03217- D03227	Hogan Personality Inventory - Suitability Report: Clipper			
808.		12/19/03	D03228- D03247	Locomotive Engineer Interview Booklet ; Ho			
809.		12/19/03	D03248- D03267	Locomotive Engineer Interview Booklet ; Shelton			

810.	12/19/03	D03268- D03287	Locomotive Engineer Interview Booklet ; Barnes			
811.	12/19/03	D03288- D03307	Locomotive Engineer Interview Booklet ; Collins			
812.	01/13/04	D03308	Letter: From HR to Debrice Gallo			
813.	11/21/03	D03309- D03310	Job Application: Passenger Engineer			
814.		D03311	"D/Q Rules Violation" note			
815.	12/19/03	D03312- D03313	Request/Consent for Information from Previous Employer on Alcohol & Controlled Substances Testing			
816.	12/16/03	D03314	Background Check for Internal Candidates			
817.	12/18/03	D03315- D03323	Job Preview			
818.	12/18/03	D03324	Email: from Hogan Assessment Systems to Amtrak			
819.	12/18/03	D03325- D03326	Hogan Personality Inventory – Suitability Report: Gallo			
820.	12/19/03	D03327- D03346	Locomotive Engineer Interview Booklet ; Barnes			
821.	12/19/03	D03347- D03366	Locomotive Engineer Interview Booklet ; Collins			
822.	12/19/03	D03367- D03386	Locomotive Engineer Interview Booklet ; Shelton			
823.	12/19/03	D03387- D03406	Locomotive Engineer Interview Booklet ;			
824.	01/13/07	D03407	Letter: from HR to Wesley Duvall			
825.		D03408-	Withdrew			
826.	11/20/03	D03409- D03411	Job Application: Passenger Engineer			

827.	11/20/03	D03412	Duvall Resume			
828.	11/20/03	D03413	Letter: from Duvall			
829.	11/20/03	D03414	Letter: From Duvall to Ho			
830.		D03415	"OK" note			
831.	12/15/03	D03416	Background Check for Internal Candidates			
832.		D03417- D03418	Duvall Resume			
833.		D03419- D03421	Job Application: Passenger Engineer			
834.	12/18/03	D03422- D03424	Email: from Hogan Assessment Systems to Amtrak; Hogan Personality Inventory -- Suitability Report; Duvall			
835.	12/18/03	D03425- D03433	Job Preview			
836.	12/19/03	D03434- D03453	Locomotive Engineer Interview Booklet ; Shelton			
837.	12/19/03	D03454- D03473	Locomotive Engineer Interview Booklet ; Collins			
838.	12/19/03	D03474- D03493	Locomotive Engineer Interview Booklet ; Banres			
839.	12/19/03	D03494- D03513	Locomotive Engineer Interview Booklet ; Ho			
840.	01/13/04	D03514- D03415	Letter: from HR to Frank Latraverse			
841.	11/21/03	D03516- D03517	Job Application: Locomotive Engineer			
842.	12/19/03	D03518	Request/Consent for Information from Previous Employer on Alcohol & Controlled Substances Testing			
843.	12/18/03	D03520- D03522	Email: from Hogan Assessment Systems to Amtrak; Hogan			

844.	12/18/03	D03523- D03531	Personality Inventory – Suitability Report: Latraverse Job Preview			
845.		D03532	“OK” note			
846.	12/15/03	D03533	Background Check for Internal Candidates			
847.		D03534	Latraverse Resume			
848.	12/19/03	D03535- D03554	Locomotive Engineer Interview Booklet ; Shelton			
849.	12/19/03	D03555- D03574	Locomotive Engineer Interview Booklet ; Barnes			
850.	12/19/03	D03575- D03594	Locomotive Engineer Interview Booklet ; Collins			
851.	12/19/03	D03595- D03614	Locomotive Engineer Interview Booklet ; Ho			
852.	01/13/04	D03615	Letter: From HR to Douglas Webb			
853.		D03616	“No JOA” Note			
854.		D03617- D03618	Webb Resume with cover letter			
855.	01/13/04	D03619	Letter: from HR to Tom McGrath			
856.		D03620	“D/Q “ Note			
857.	11/17/03	D03621- D03322	Job Application: Passenger Engineer			
858.	12/15/03	D03623	Background Check for Internal Candidates			
859.	12/04/03	D03624- D03625	Job Application: Passenger Engineer			
860.		D03626	McGrath Engineer			
861.	01/13/04	D03627	Letter: from HR to Collier			
862.		D03628	Job Application: Passenger Engineer			

863.			D03630- D03631	Collier Resume			
864.			D03632	"D/Q" note			
865.		12/16/03	D03633	Background Check for Internal Candidates			
866.		01/13/04	D03634	Letter: from HR to Michael Yacovetti			
867.		11/20/03	D03635- D03636	Job Application: Passenger Engineer			
868.			D03637D03638	Yacovetti Resume			
869.		11/20/03	D03639- D03643	Fax Transmitt Sheet with application, cover letter and resume			
870.		11/20/03	D03644	Facsimile Transmittal Sheet			
871.			D03645	"D/Q" note			
872.		12/15/03	D03646	Background Check for Internal Candidates			
873.		01/13/04	D03647	Letter: from HR to Manuel Lucero			
874.			D03648	"1 Yr Conductor ?" note			
875.		11/24/03	D03649- D03650	Job Application: Locomotive Engineer			
876.			D03651	Lucero Resume			
877.		11/20/03	D03652- D03653	Job Application: Locomotive Engineer			
878.		01/13/04	D03654- D03655	Letter: from HR to Michael Garrett			
879.		11/18/03	D03656- D03657	Job Application: Passenger Engineer			
880.		11/18/03	D03658- D03659	Job Application: Passenger Engineer			
881.		01/13/04	D03360	Letter: from HR to George Solomine			
882.			D03661	"OK" note			

883.	11/24/03	D03662- D03663	Job Application: Engineer			
884.	12/18/03	D03665- D03676	Job Preview			
885.		D03664	Solimine Resume			
886.	12/18/03	D03674- D03676	Email: from Hogan Assessment Systems to Amtrak; Hogan Personality Inventory -- Suitability Report: Solimine			
887.	12/16/03	D03677	Background Check for Internal Candidates			
888.	01/13/04	D03678	Letter: from HR to Mark Holdridge			
889.		D03679	"No JOA" note			
890.		D03680- D03681	Holdridge Resume			
891.	01/13/04	D03682	Letter: from HR to John Darvey			
892.	11/20/03	D03683- D03684	Job Application: Engineer			
893.		D03685	Darey Resume			
894.	07/16/03	D03686	Letter: from Bradley re Darey			
895.	08/25/03	D03687	Letter: from Darey			
896.	01/13/04	D03688	Letter: from HR to Akilah Burris			
897.	11/19/03	D03689- D03690	Job Application: Passenger Engineer			
898.		D03691- D03692	Burris Resume			
899.	11/19/03	D03693- D03694	Job Application: Passenger Engineer			
900.	12/02/03	D03695- D03696	Job Application: Passenger Engineer			
901.	12/02/031	D03697- D03698	Job Application: Passenger Engineer			
902.	12/17/03	D03699-	Background Check for Internal			

919.	7/09/04	D09049- D09068	Locomotive Engineer Interview Booklet for Carroll: Preusser			
920.	7/09/04	D09069- D09088	Locomotive Engineer Interview Booklet for Carroll: Venturelli			
921.	7/09/04	D09109- D09128	Locomotive Engineer Interview Booklet for Carroll: Rogers			
922.	7/09/04	D09129- D09148	Locomotive Engineer Interview Booklet for Carroll: Friend			
923.	7/07/04	D08892- D08911	Locomotive Engineer Interview Booklet for Hansen: Skinner			
924.	6/08/04	D08839	Background Check for Internal Candidates			
925.	7/26/04	D08855	Letter of Promotion from HR to John Hansen			
926.		D08932	Locomotive Engineer Interview Booklet for Hansen			
927.	7/07/04	D08992- D09011	Locomotive Engineer Interview Booklet for P. Duncan			
928.	7/07/04	D08972- D08991	Locomotive Engineer Interview Booklet for P. Duncan: Venturelli			
929.	7/07/04	D08952- D08971	Locomotive Engineer Interview Booklet for P. Duncan: Skinner			
930.	7/26/04	D07416	Letter of Promotion from HR to P. Duncan			
931.	6/08/04	D08837	Background Check for Internal Candidates for P. Duncan			
932.	07/16/04	D07433	Letter: from HR to Debrice Gallo			
933.	05/14/04	D07435- D07436	Job Opportunity Application			
934.	05/14/04	D07437	Note from Debrice Gallo			
935.	07/07/04	D07440- D07448	Locomotive Engineer Realistic Job Preview			

936.	07/07/04	D07449- D07468	Locomotive Engineer Interview Booklet 2003: Preusser			
937.	07/07/04	D07469- D07488	Locomotive Engineer Interview Booklet 2003: Rogers			
938.	07/07/04	D07489- D07508	Locomotive Engineer Interview Booklet 2003: Jaeger			
939.	07/7/04	D07509- D07528	Locomotive Engineer Interview Booklet 2003: Skinner			
940.	07/07/04	D07529- D07548	Locomotive Engineer Interview Booklet 2003			
941.	07/07/04	D07549- D05775	Locomotive Engineer Realistic Job Preview			
942.	05/16/04	D07630- D07631	Job Opportunity Application			
943.	7/16/04	D07634	Letter of Denial to Shawn Teller re: application			
944.	12/08/07	D07635	State Driving Record Request for Shawn A. Teller			
945.	12/08/07	D07636	National Driver Registry Check for Shawn A. Teller			
946.		D07637- 307638	Resume of Shawn Teller			
947.	5/16/04	D07639- D07640	Job Application for Shaw A. Teller			
948.	7/07/04	D07641- D07660	Locomotive Engineer Interview Booklet for Shawn Teller: Martin Jaeger			
949.	7/07/04	D07661- D07680	Locomotive Engineer Interview Booklet: Chad Skinner			
950.	7/07/04	D07681- D07700	Locomotive Engineer Interview Booklet: Susan Venturelli			
951.	7/07/04	D07701	Locomotive Engineer Interview Booklet: Preusser			
952.	7/07/04	D07721-	Locomotive Engineer Interview			

953.		D07720	Booklet: Billy Rogers Job Preview Introduction			
954.		D07741- D07749	Job Preview Introduction for S. Teller			
955.	5/13/04	D07750- D07758	Job Application for Chad M. Scanlon			
956.		D07759- D07760	Cover Letter of Resume for Chad Scanlon			
957.	7/09/?	D07761	Interview Appointment Sheet for Engineer Trainees: S. Venturelli			
958.		D08152	Job Application for Michael Steven Hand			
959.		D08153	Cover Letter of Resume for Michael S. Hand			
960.		D08155- D08157	Request for Information from Previous Employer on Alcohol & Controlled Substances Testing for Michael S. Hand			
961.		D08158- D08159	State Driving Record Request for Steven M. Hand			
962.		D08160	National Driver Registry Check for Steven M. Hand			
963.	7/09/04	D08161	Locomotive Engineer Interview Booklet for Hand: Earl Friend III			
964.	7/09/04	D08162- D08181	Job Preview Introduction for Hand			
965.	7/09/04	D08182- D08190	Locomotive Engineer Interview Booklet for Hand: Chad Skinner			
966.		D08191- D08210	Locomotive Engineer Interview Booklet for Hand			
967.		D08211- D08230	Locomotive Engineer Interview Booklet for Hand: Preusser			
968.	7/16/04	D08231- D08250	Letter of Denial from HR to			

969.	7/16/04	D08326	John Manley (vacancy # 50178956)				
			Letter of Denial from HR to John Manley (vacancy # 50178952)				
970.	7/16/04	D08327	Letter of Denial from HR to John Manley (vacancy # 50178959)				
971.	5/13/04	D08328- D08329	Job Application for John Manley				
972.		D08330- D08333	Request/Consent for Information from Previous Employer on Alcohol & Controlled Substances Testing / Resume of John Lawrence Manley				
973.		D08334	Work History of John Lawrence Manley				
974.	7/09/04	D08335- D08343	Job Preview Introduction for J. Manley				
975.	7/09/04	D08344- D08363	Locomotive Engineer Interview Booklet for J. Manley: Chad Skinner				
976.	7/09/04	D08364- D08383	Locomotive Engineer Interview Booklet for J. Manley: Billy P. Rogers				
977.	7/9/04	D08384- D08403	Locomotive Engineer Interview Booklet for J. Manley: Bill Rogers				
978.	7/09/04	D08404- D08423	Locomotive Engineer Interview Booklet for J. Manley: Earl Friend				
979.	7/09/04	D08424- D08443	Locomotive Engineer Interview Booklet for J. Manley: Preusser				
980.	7/09/04	D08444-	Locomotive Engineer Interview				

			D08463	Booklet for J. Manley: Susan Venturelli			
981.			D08464	Letter of Denial from HR to McGrath			
982.		5/16/04	D08465-D08466	Job Application for Tom McGrath			
983.		7/09/04	D08467-D08475	Job Preview Introduction for McGrath			
984.		7/09/04	D08476-D08495	Locomotive Engineer Interview Booklet for McGrath: Earl Friend			
985.		7/09/04	D08496-D08515	Locomotive Engineer Interview Booklet: Preusser			
986.		7/09/04	D08516-D08535	Locomotive Engineer Interview Booklet: Skinner			
987.		7/09/04	D08536-D08555	Locomotive Engineer Interview Booklet: Venturelli			
988.		7/09/04	D08556-D08658	Letter of Denial from HR to Michael Garrett			
989.		5/17/04	D08557-D08557	Job Application for Michael Garrett			
990.		7/09/04	D08559-D08578	Locomotive Engineer Interview Booklet for Garrett: Skinner			
991.		7/09/04	D08579-D08598	Locomotive Engineer Interview Booklet for Garrett: Venturelli			
992.		7/08/04	D08599-D08618	Locomotive Engineer Interview Booklet for Garrett: Preusser			
993.		7/09/04	D08619-D08638	Locomotive Engineer Interview Booklet for Garrett			
994.		7/09/04	D08639-D08658	Locomotive Engineer Interview Booklet for Garrett: Friend			
995.		7/16/04	D08659	Letter of Denial from HR to John Campbell			
996.		5/17/04	D08660-	Job Application for John			

				D08661	Campbell				
997.		7/09/04		D08662- D08664	National Driver Registry Check for John Campbell				
998.		7/07/04		D08665- D08666	Request/Consent for Information from Previous Employer on Alcohol & Controlled Substances Testing for John Campbell				
999.		7/07/04		D08667- D08675	Job Preview Introduction for J. Campbell				
1000.		7/08/04		D08676- D08695	Locomotive Engineer Interview Booklet for J. Campbell: Larry C. Follis				
1001.		7/08/04		D08696- D08715	Locomotive Engineer Interview Booklet for J. Campbell: Skinner				
1002.		7/08/04		D08716- D08735	Locomotive Engineer Interview Booklet for J. Campbell: Venturelli				
1003.		7/16/04		D08736	Letter of Denial from HR to Bryan Tavares				
1004.		7/08/04		D08737	Interview Appointment Sheet: S. Venturelli				
1005.		5/17/04		D08738- D08739	Job Application for Bryan Tavares				
1006.				D08740	Request/Consent for Information from Previous Employer on alcohol & Controlled Substances Testing				
1007.		7/08/04		D08742- D08750	Job Preview Introduction for B. Tavares				
1008.		7/08/04		D08751- D08770	Locomotive Engineer Interview Booklet for B. Tavares: Skinner				
1009.		7/08/04		D08771-	Locomotive Engineer Interview				

			D08790	Booklet for B. Tavares: Venturelli			
1010.	7/08/04		D08791- D08810	Locomotive Engineer Interview Booklet for B. Tavares: Follis			
1011.	7/26/04		D07416	Letter of Promotion from HR to Patrick Duncan			
1012.	7/14/04		D07417	Personnel Action Request for Patrick Duncan			
1013.			D07418- D07420	Job Application for Patrick Duncan			
1014.			D07424- D07432	Job Preview Introduction for P. Duncan			
1015.							
1016.	7/07/04		D08892- D08911	Locomotive Engineer Interview Booklet for Hansen: Skinner			
1017.	07/26/04		D08855	Letter: from HR to John Hansen			
1018.			D08932- D08950	Locomotive Engineer Interview Booklet			
1019.	07/07/04		D08992- D09011	Locomotive Engineer Interview Booklet: Preusser			
1020.	07/07/04		D08972- D08991	Locomotive Engineer Interview Booklet: Venturelli			
1021.	07/07/04		D08952- D08971	Locomotive Engineer Interview Booklet: Skinner			
1022.	07/26/04		D07416	Letter: from HR to Duncan			
1023.	06/08/04		D08837	Background Check for Internal Candidates			
1024.	07/26/04		D09014	Letter: from HR to Brice Carroll			
1025.	07/09/07		D09020- D09028	Locomotive Engineer Realistic Job Preview			
1026.	07/09/04		D09029- D09048	Locomotive Engineer Interview Booklet: Skinner			
1027.	07/07/04		D09049- D09068	Locomotive Engineer Interview Booklet: Preusser			

1028.	07/09/04	D09069- D09088	Locomotive Engineer Interview Booklet: Venturelli			
1029.	07/09/04	D09089- D09108	Locomotive Engineer Interview Booklet: Jaeger			
1030.	07/09/04	D09109- D09128	Locomotive Engineer Interview Booklet: Rogers			
1031.	07/09/04	D09129- D09148	Locomotive Engineer Interview Booklet: Friend			
1032.			Photographs of location where 2004 "brake cutout" incident took place			
1033.			Track diagram(s) of old switching yard layout			
1034.			Chart/compilation depicting Applicants, Applicants Interviewed, and Applicants Selected – job posting #50131788			
1035.			Chart/compilation depicting Applicants, Applicants Interviewed, and Applicants Selected – job posting #50173583			
1036.			Chart/compilation depicting Applicants, Applicants Interviewed, and Applicants Selected – job posting #50178956			
1037.			Specification sheets of F59 Locomotive Engine			
1038.	01/15/07	D021246 – D021388	National Railroad Passenger Corporation AMT-3 "Air Brake and Train Handling Rules and Instructions"			

1039.	12/10/2007	D021389 – D021420	SOFA Report			
1040.	06/16/1984	D10322	Employee Profile			
1041.	08/27/1984	UP 014	Application Employment			
1042.	11/16/1984	UP 013	Letter			
1043.	05/05/1985	UP 012	Signature Page			
1044.	09/03/1985	UP 011	Employee Released Account Reduction in Force			
1045.	10/16/1986	UP 010	Personal Record Memorandum			
1046.	12/15/1987	UP 008 – UP 009	SPTC Safety Reports			
1047.	02/04/1988	UP 007	SPTC Safety Reports			
1048.	04/09/1991	UP 006	SPTC Safety Reports			
1049.	08/29/1991	UP 004	Service Record			
1050.	10/17/1991	UP 005	SPTC Safety Reports			
1051.	06/13/2007		Background Check Information and Documentation			
1052.	08/06/1998	D10286	Job History			
1053.	09/01/1998	D10282 – D10285	Application for Employment			
1054.	09/16/1998	D10289	Authorization for Examination or Treatment			
1055.	09/25/1998	D10276 – D10277	Letter			
1056.	09/30/1998	D10317 – D10318	Personnel Action Request			
1057.	09/30/1998	D10278 – D10281	Employee Information Form			
1058.	09/30/1998	D10292	Acknowledgment of Receipt of Amtrak Standards of Excellence			
1059.	09/30/1998	D10275	New-Hire Checklist – Agreement-Covered Position			
1060.	09/30/1998	D10288	W-4			
1061.	09/30/1998	D10290 –	US Savings Bond Inscription			

1062.		05/26/1999	D10291 D10315 – D10316	Personnel Action Request			
1063.		07/19/1998	UTU 019	Memo			
1064.		08/06/1999	UTU 063	E-Mail			
1065.		08/09/1999	UTU 064	E-Mail			
1066.		08/20/1999	D10313 – D10314	Personnel Action Request			
1067.		09/15/1999	UTU 018	E-Mail			
1068.		12/24/1999	UTU 001	Letter			
1069.		12/24/1999	UTU 053 – UTU 054	Time Tickets			
1070.		12/24/1999	UTU 052	NRPC T & E Adjustment (Shortage) Form			
1071.		12/24/1999	UTU 051	Letter			
1072.		03/24/2000	UTU 049	Letter			
1073.		03/24/2000	UTU 055 – UTU 056	Joint Submission			
1074.		03/25/2000	UTU 120 – UTU121	E-Mail			
1075.		03/26/2000	UTU 119	E-Mail			
1076.		03/29/2000	D10494 – D10495	Letter			
1077.		04/05/2000	UTU 117 – UTU 118	Notice of Formal Investigation			
1078.		04/05/2000	D10505 – D10507	Notice of Formal Investigation			
1079.		04/08/2000	UTU 046 – UTU 048	Letter			
1080.		04/12/2000	D10320	Waiver of Right to Formal Investigation			
1081.		04/13/2000	D10319	NRPD Employee Discipline Input form			
1082.		06/26/2000	UTU 061	Letter			

1083.	07/06/2000	UTU 022- UTU 023	Letter			
1084.	09/23/2000	UTU 024- UTU 025	E-Mail			
1085.	01/14/2001	UTU 104	Letter			
1086.	01/18/2001	UTU 094 – UTU 096	Letter			
1087.	01/19/2001	UTU 098 – UTU 099	Letter			
1088.	01/21/2001	UTU 113 – UTU 114	Letter			
1089.	02/02/2001	UTU 115	Letter			
1090.	02/09/2001	UTU 066	Letter			
1091.	02/09/2001	UTU 068 – UTU 071	Letter			
1092.	02/16/2001	UTU 101 – UTU 102	Letter			
1093.	02/22/2001	UTU 041 – UTU 043	Letter			
1094.	02/28/2001	UTU 116	Hand-written note			
1095.	03/06/2001	UTU 091	Letter			
1096.	04/06/2001	UTU 080 & UTU 082	Letter			
1097.	04/06/2001	UTU 073	Train & Engine Service Claim			
1098.	04/11/2001	UTU 037 – UTU 038	Letter			
1099.	04/12/2001	UTU 074 – UTU 079	Letter			
1100.	04/15/2001	UTU 083 – UTU 087	Letter			
1101.	04/24/2001	UTU 032 – UTU 034	Letter			
1102.	05/17/2001	D10818	Attendance report			
1103.	06/08/2001	UTU 089	NRPC T & E Time Adjustment			

				(Shortage) Form			
1104.	07/26/2001	D10480 – D10483		Amtrak Employee Information Form			
1105.	08/17/2001	UTU 090		NRPC T & E Time Adjustment (Shortage) Form			
1106.	08/22/2001	D10484 – D10486		Amtrak Employee Efficiency and Safety Test Report – Form 1872			
1107.	08/26/2001	UTU 015		Letter			
1108.	09/20/2001	D10496		Hand-written note			
1109.	10/08/2001	D10497		Background Check for Internal Candidates			
1110.	10/26/2001	UTU 026		Hand-Written note			
1111.	12/29/2001	UTU 027		Application for UTU Optional Displacement			
1112.	01/10/2002	D09758		Claim / Appeal			
1113.	01/10/2002	D09674 – D09675		Hand-written note			
1114.	01/10/2002	D09723 – D09733		Hand-written notes			
1115.	01/10/2001	UTU 166		Hand-written note			
1116.	01/10/2002	UTU 167		Hand-written note			
1117.	01/10/2002	UTU 168		Hand-written note			
1118.	01/11/2002	UTU029		Train & Engine Service Claim			
1119.	01/12/2002	UTU 030		Train & Engine Service Claim			
1120.	01/14/2001	UTU 126 – UTU 128		Letter with claim form			
1121.	01/17/2002	D09671 – D09673		Notice of Formal Investigation			
1122.	01/17/2002	UTU 148 – UTU 149		Notice of Formal Investigation			
1123.	01/25/2002	UTU 028		Letter			
1124.	02/12/2002	UTU 175		Letter			
1125.	02/22/2002	UTU 152 –		E-Mail			

			UTU 153						
1126.	02/23/2002		UTU 156	Letter					
1127.	03/14/2002		UTU 178-183	Railroad track photographs					
1128.	03/15/2002		D09676 – D09681	Photographs					
1129.	03/15/2002		D09567 – D09669	Transcript of Campbell Investigation					
1130.	03/28/2002		D10306 – D10307	Amtrak Decision Letter					
1131.	03/28/2002		D10305	NRPC Employee Discipline Input Form					
1132.	04/01/2002		D09734 & UTU 187	Letter					
1133.	04/01/2002		UTU 044	Letter					
1134.	04/03/2002		D10309	Amtrak Personnel Action Request					
1135.	04/08/2002		D09735 – D09757	Employee's Brief					
1136.	04/12/2002		D10304	Amtrak Personnel Action Request					
1137.	04/12/2002		D09688-- D09689	Letter					
1138.	04/17/2002		UTU 100 –	Letter					
1139.	06/04/2002		D09690 – D09691	Statement of Facts					
1140.	06/05/2002		D10489	Employee Deduction sheet					
1141.	07/30/2002		D09720	Claim / Decision					
1142.	07/30/2002		D09722	Claim / Decision					
1143.	07/30/2002		D09692 – D09693	Letter					
1144.	08/01/2002		D09721	E-Mail					
1145.	08/02/2002		D09694	Letter					
1146.	09/11/2002		D09718 – D09719	Letter					

1147.	09/11/2002	D09557	Claim / Decision / Appeal			
1148.	10/23/2002	D10475 & D10477	New Hire/Transfer Information Sheet			
1149.	10/23/2002	D10472	Amtrak T.E.S.T.S System Employee Information			
1150.	10/24/2002	D10469 – D10471	Amtrak West Rules Examination Answer Sheet			
1151.	11/05/2002	UTU 106	NRPC Interoffice Memorandum			
1152.	12/14/2002	D10518	Incident Report			
1153.	12/14/2002	D10473	Letter to file incident Dec 14			
1154.	12/15/2002	D10525 – D10526	Hand-written notes			
1155.	12/18/2002	D10568	Hand-written notes			
1156.	12/19/2002	D10564 -	“Never Opened” Cases			
1157.	12/19/2002		Matter Screen Report			
1158.	01/07/2003	D10516 – D10517	E-mail re 12/13/02			
1159.	01/07/2003	D10527	Email			
1160.	01/07/2003	D10523	Hand-written note			
1161.	01/07/2003 ?	D10524	Hand-written note			
1162.	01/07/2003	D10528 – D10529	Dispute Resolution Office Phone Log			
1163.	01/07/2003	D10530 – D10532	Matter Screen Report			
1164.		D10533 – D10536	Display Address(es)			
1165.		D10537	Case closeout Checklist			
1166.	01/09/2003	D10519- D10522	Hand-written notes			
1167.	01/24/2003	D10513 – D10515	Memo			
1168.	01/27/2003	D10510 – D10512	Letter			
1169.	02/05/2003	D10508	“Never Opened” Cases			

1170.	02/07/2003	D10509	Letter			
1171.	05/02/2003	UTU 088	NRPC Interoffice Memorandum			
1172.	12/11/2003	D09717	E-Mail			
1173.	12/15/2003	D09558 - D09566	Carrier's Ex Parte Submission			
1174.	01/16/2004	D10554 - D10555	Amtrak Authorization to Release Information			
1175.	03/10/2004	D10556 - D10557	Amtrak Job Reference			
1176.	04/01/2004	D10209	E-Mail			
1177.		D10561 - D10562	Display Address			
1178.		D10545	List Vacancy Assignment			
1179.	04/02/2004	D10553	Letter			
1180.	04/02/2004	D10546 - D10549	Hand-written notes			
1181.		D10551	Hand-written note			
1182.	04/06/2004	D10543	E-Mail			
1183.	04/10/2004	D10541	Memo			
1184.	04/12/2004	D10542	E-Mail			
1185.	04/21/2004	D10538	Memo			
1186.	04/21/2004	D10539 - D10540	Letter			
1187.	04/21/2004	D10211 - D10213	Matter Screen Report			
1188.	05/14/2004	D10498	Receipt			
1189.	07/08/2004	D08676 - D08735; D07029; D08990; D07237; D07405; D06892; D07137;	Amtrak Locomotive Engineer interview Booklet 2003			

			D09087; D05672						
1190.		07/20/2004	000102		E-Mail				
1191.		07/21/2004	000108		E-Mail				
1192.		08/06/2004	D10503 – D10504		Notice of Formal Investigation				
1193.		08/10/2004	000019 – 000020		Letter				
1194.		08/25/2004	000026		Notice of Postponement of Investigation				
1195.		09/09/2004	D09885-- D09911		Transcript of Campbell Investigation				
1196.		09/13/2004	D09790		Discipline Assessment Worksheet				
1197.		09/16/2004	D10300		E-Mail				
1198.		09/17/2004	D10412		Personnel Action Request				
1199.		09/17/2004	000061 – 000094		Decision				
1200.		09/17/2004	D10301		NRPC Employee Discipline Input Form				
1201.		09/17/2004	D10298 – D10299		Amtrak Employee's Check List for Property Retrieved				
1202.		09/23/2004	000124		Status of Employment Application				
1203.		09/28/2004	D09788 – D09789		Letter				
1204.		10/05/2004	000096		E-Mail				
1205.		10/05/2004	000095		E-Mail				
1206.		10/10/2004	000105		Hand-written note				
1207.		10/10/2004	D09787		E-Mail				
1208.		10/10/2004	D09881		E-Mail				
1209.		10/18/2004	D09786		Amtrak President's Office Correspondence Sheet				
1210.		10/20/2004	D09783 –		E-Mail				

1211.		10/27/2004	D09784 D09779 – D09781	Facsimile			
1212.		10/28/2004	D09782	Claim / Appeal			
1213.		11/09/2004	D09795 – D9878	Employee's Brief			
1214.		11/09/2004	D09879 – D09880	Hand-written notes			
1215.		11/09/2004	D09775 – D09778	E-Mail			
1216.		11/10/2004	D09773 – D09774	Letter			
1217.		11/29/2004	D09772	Letter			
1218.		11/29/2004	D09771	Claim / Appeal			
1219.		01/24/2005	D10294	Overview Actions with Hand-written notes			
1220.		01/25/2005	D10293	E-Mail			
1221.			D10465	List Vacancy Assignment			
1222.		06/30/2005	D09762 – D09770	Carrier's Brief			
1223.		07/18/2005	000109 – 000110	Letter			
1224.		08/03/2005	000126	Status of Employment Application			
1225.		11/16/2005	000113- 000129- 000140; 000143; 000147-	Plaintiff's mitigation documents			
1226.		11/16/2005	000156	401K distribution (check stub)			
1227.			000114	Handwritten Summary of John Campbell financial lose			
1228.			000155	John E. Campbell Financial Statement			

1229.	2003	000154	Campbell W-2 Wage and Tax Statement 2003			
1230.	2005	000153	Campbell W-2 Wage and Tax Statement 2005			
1231.	07/23/04	000143	Notification of Deposit			
1232.	04/15/06	000129-137	Campbell Prescreening Questionnaire & Application			
1233.	09/23/04	000138	Status of Employment Application			
1234.	08/03/05	000139	Status of Employment Application			
1235.	02/12/06	000140	Status of Employment Application			
1236.	06/05/06	000147-000148	Norfolk Southern Job Description			
1237.	06/05/06	000149	BNSE Railway Job Description			
1238.	06/05/06	000150-000152	Union Pacific Railroad Position Description			
1239.	12/07/2005	D10321	Letter with response			
1240.		D10552	Re-Entry Engineer Recruiting sheet			
1241.	02/01/2006	D10325 – D10411	Plaintiff's pay records			
1242.	02/01/2006	D10563	ODI Case Report			
1243.	02/10/2006	D10462 – D10464 ; D10466 – D10468				
1244.	02/12/2006	000126	Status of Employment Application			
1245.	02/24/2006	D11479 – D11484	Statement of Claim ; Award; Dissent			
1246.	04/15/2006	000115 – 000123	Online Application / Questionnaire			

1247.	07/31/2006	FE 017 – FE 035	Fed Ex Press Application for Employment			
1248.	10/09/2006	FE 036 – FE 039	Fed Ex – Signature Page for Employee Handbook; Employment Eligibility Verification			
1249.	10/09/2006	FE 040	FedEx Express Offer Letter			
1250.	10/09/2006	FE 041	FedEx Express Reference Check			
1251.	10/10/2006	FE 043	Safety Handbook – Signature Page			
1252.	11/16/2006	FE 016	Certification and Transmittal Cover Sheet			
1253.	12/12/2006	FE 015	FedEx Express Security Identification Display Area Badge Applicant Certification and Disclosure Statement			
1254.	10/09/2006	FE016	Certification of employment reports			
1255.	03/08/2007	UP 016	Employee Personal Data			
1256.	03/08/2007	UP 002	OneStop Records Request			
1257.	03/14/2007	UP 001	Letter			
1258.	03/26/2007	FE 001	FedEx Express employee records			
1259.	06/13/2007		Background Investigation			
1260.	6/12/2006		Plaintiff's Response to Request for Production of Document Set One			
1261.	09/29/1999	D03739	Letter from Larry C. Kenny, Director Labor Relations to Mark B. Kenny, General Chairman regarding manpower shortage at different location in Amtrak system			
1262.	2/22/2006	D013059 –	First Amended Complaint for			

			D013069	Employment Discrimination			
1263.	3/30/2006		N/A	Defendants National Railroad Passenger Corporation and Joe Deely's Answer to Plaintiff's First Amended Complaint for Employment Discrimination			
1264.	4/29/2004		D10801 – D10804	Anti-Discrimination and Anti-Harassment policy			
1265.	5/4/2004		D11427 – D11447	Service Standards for Train Service and On-Board Service Employees			
1266.	8/3/1980 Revised & Reissued 8/19/2002		D11425 – D11426	Air Brake and Train Handling Rules and Instructions			
1267.	Fourth Quarter 2006		D11448 – D11478	Switching Fatality and Severe (aka SOFA) Injury Update: 2007 First Quarter			
1268.			D09701 – D09705	Rule 25 - Discipline			
1269.	4/4/1989		D11366 – D11370	Discipline Procedures - Memorandum			
1270.	5/1999		D11371	Progressive Discipline Guidelines			
1271.			D11372 – D11375	Discipline Expungement Guidelines			
1272.	8/27/2002		D11376 – D11382	Memo – Handling Formal Discipline			
1273.	1/1995		D11383 – D11395	Standards of Excellence			
1274.	5/1/1994		D11396 – D11411	Employment/Promotion/Transfer			
1275.	9/2000		D11412 – D11420	Employment, Promotion and Transfer			

1276.	2/27/2004	D11421 – D11424	Employment, Promotion & Transfer			
1277.	1/29/1986 (revised 10/27/1999)	D10574 – D10791	Agreement between Amtrak and Conductors and Assistant Conductors (OC) Represented by the United Transportation Union			
1278.	4/10/1994	D10820 – D11081	General Code of Operating Rules Third Edition			
1279.	4/2/2000	D11082 – D11223	General Code of Operating Rules Fourth Edition			
1280.	4/3/2005	D11224 – D11365	General Code of Operating Rules Fifth Edition			
1281.	8/29/1988	D012954	New Hire Checklist – Agreement Covered Position (for Steve Shelton)			
1282.	8/20/1998	D012946	Acknowledgement of Receipt NRPC Rues of Conduct (for Steve Shelton)			
1283.	12/19/1985	D012900	Acknowledgement of Receipt NRPC Rues of Conduct (for Joseph W. Deely)			
1284.	12/18/2000	D012848	Acknowledgement of Receipt of Amtrak Standards of Excellence (for Joseph W. Deely)			
1285.	11/16/2001	D09706 – D09710	Letter from Joseph M. Brees			
1286.	6/12/2006		Plaintiff's Response to Defendant Amtrak's Request for Production of Documents, Set One			

1287.	3/30/2007			Declaration of Joe Deely in Support of Defendants MSJs			
1288.	3/30/2007			Declaration of Steve Shelton in Support of Defendants MSJs			
1289.	4/3/2007			Declaration of Paul Ho in Support of Defendants MSJs			
1290.	3/30/2007			Declaration of Gregg Baxter in Support of Defendants MSJs			
1291.	4/3/2007			Declaration of R. Scott Erlewine in Support of Defendants MSJs			
1292.	4/3/2007			Declaration of Larry Follis in Support of Defendants MSJs			
1293.	4/3/2007			Declaration of Susan Venturelli in Support of Defendants MSJs			
1294.	4/3/2007			Declaration of Cara Ching-Senaha in Support of Defendants MSJs			
1295.	_____			Joint Separate Statement of Undisputed Facts			
1296.	4/25/2007			Deposition of Raymond Clarke (nonconfidential portion)			
1297.	4/25/2007			Deposition of Raymond Clarke (confidential portion)			
1298.	3/7/2007			Deposition of Anthony Gillard			
1299.	3/7/2007			Deposition of David Leroy West			
1300.	4/23/2007			Deposition of Timothy F. Sheridan			
1301.	3/26/2007			Deposition of Richard Barrow			
1302.	3/22/2007			Deposition of Mark Carl Schulthies			
1303.	3/9/2007			Deposition of Don Magers			
1304.	2/15/2007			Deposition of Joe Deely			
1305.	3/23/2007			Deposition of Susan Venturelli			
1306.	2/26/2007			Deposition of John Earl			

1319.	05/11/06	D013366- D013371	Base Since April 1, 2006 Train Services Employees Working in Zone CS2-Gilroy, Ca Crew Base Since Jan. 1, 1998			
1320.		D013372- D013375				
1321.		D013376- D013391	Personnel No. & P. Subarea Text			
1322.		D013391	Operating Department Division Boundaries Effective Oct. 1, 2002			
1323.	11/17/97	D013393- D013394	Air Brake and Train Handling Rules and Instructions			
1324.	10/31/93	D013395- D013396	Safety Instructions for Transportation Employees			
1325.		D021244- D021245	Job Opportunity Application			
1326.	07/31/01	D01794-1795	Job Requisition and Qualification Profile			
1327.	01/25/02	D01796	Letter: from HR to Campbell			
1328.	08/14/01	D01797- D01798	Job Opportunity Application: Engineer			
1329.		D01799	Campbell Resume			
1330.	10/12/01	D01800- D01801	Interview Rating Notes			
1331.	10/12/07	D01802- D01803	Interview Rating Notes			
1332.	10/12/01	D01804	Interview Rating Notes			
1333.	10/12/01	D01806- D01807	Interview Rating Notes			
1334.	10/09/01	D01808	Email: from Pesseau to Ho			
1335.	10/08/01	D01809	Background Check for Internal Candidates			
1336.	08/23/01	D01810	Letter: from HR to Campbell			

1337.	10/12/01	D01811	Rating Scale form – page 1			
1338.	10/12/01	D01812	Rating Scale form – page 2			
1339.	07/23/01	D01813	Job Requisition and Qualification Profile			
1340.	07/31/01	D01814	Job Requisition and Qualification Profile			
1341.	01/25/02	D01805	Letter: from HR to Campbell			
1342.	02/14/02	D01815- D01816	Closed Union Vacancies			
1343.	09/26/01	D01817- D01818	Interview Rating Notes			
1344.	09/26/01	D01819- D01820	Interview Rating Notes			
1345.	09/26/01	D01821- D01822	Interview Rating Notes			
1346.	09/26/01	D01823- D01824	Interview Rating Notes			
1347.	09/25/01	D01825	Background Check for Internal Candidates			
1348.	09/25/01	D01826	Background Check for Internal Candidates			
1349.	09/26/01	D01827	Background Check for Internal Candidates			
1350.	09/25/01	D01828	Background Check for Internal Candidates			
1351.	09/17/01	D01829	Background Check for Internal Candidates			
1352.	08/23/01	D01830	Letter: from HR to Patrick Sullivan			
1353.	09/26/01	D01831	Letter: from Sullivan to Reviewers			
1354.		D01832	Sullivan Resume			
1355.	08/14/01	D01833- D01834	Job Opportunity Application: Locomotive Engineer Trainee			

1356.			D01835	Sullivan Resume			
1357.		09/26/01	D01836- D01837	Rating Scale form			
1358.		01/26/02	D01838	Letter: from HR to Mike Jenecke			
1359.		08/06/01	D01839- D01840	Job Opportunity Application: Locomotive Engineer Trainee			
1360.		08/17/01	D01841-	Letter: from Gunther re Frank Caron			
1361.		08/14/01	D01842	Letter: from Ward to Collins re Frank Caron			
1362.		08/24/01	D01843	Letter: from Walker re Frank Caron			
1363.		09/17/01	D01844	Background Check for Internal Candidates			
1364.			D01845- D01846	Jenecke Resume			
1365.		09/17/01	D01847	Background Check for Internal Candidates			
1366.		08/23/01	D01848	Letter fro HR to Mike Jenecke			
1367.		09/25/01	D01849	Background Check for Internal Candidates			
1368.		09/25/01	D01850	Background Check for Internal Candidates			
1369.		09/25/01	D01851	Background Check for Internal Candidates			
1370.		09/26/01	D01852	Background Check for Internal Candidates			
1371.		09/26/01	D01853- D01860	Interview Rating Notes			
1372.		09/26/01	D01861- D01862	Rating Scale form			
1373.		01/26/02	D01863	Letter: from HR to Marco Orellana			
1374.		08/14/01	D01864-	Job Opportunity Application:			

1375.			D01865	PCS Engineer				
1376.	08/17/01		D01866	Orellana Resume				
1377.	10/12/01		D01867	Letter: from Gunther re Marco Orellana				
1378.	08/28/01		D01868-D01875	Interview Rating Notes				
1379.	09/17/01		D01876	Letter: from Walker re Marco Orellana				
1380.	08/23/01		D01877	Background Check for Internal Candidates				
1381.	09/17/01		D01878	Letter: from HR to Marco Orellana				
1382.	09/25/01		D01879	Background Check for Internal Candidates				
1383.	10/12/01		D01880	Background Check for Internal Candidates				
1384.	09/25/01		D01881	Background Check for Internal Candidates				
1385.			D01882	Background Check for Internal Candidates				
1386.	08/17/01		D01883	Orellana Resume				
1387.	10/12/01		D01884	Letter: from Gunther re Marco Orellana				
1388.	08/14/01		D01885-D01886	Rating Scale form				
1389.	01/26/02		D01887	Job Opportunity Application: Locomotive Engineer Trainee				
1390.	10/10/01		D01888-D01889	Letter: from HR to Paul Arias				
1391.			D01890-D01897	Interview Rating Notes				
1392.	09/25/01		D01898	Note re Arias				
1393.	09/17/01		D01899	Background Check for Internal Candidates				
			D01900	Background Check for Internal				

1394.	08/29/01	D01901	Candidates				
1395.	09/25/01	D01902	Letter: from HR to Paul Arias Background Check for Internal Candidates				
1396.	10/10/01	D01903	Background Check for Internal Candidates				
1397.	10/10/01	D01904	Background Check for Internal Candidates				
1398.	10/10/01	D01905D01906	Rating Scale form				
1399.	01/26/02	D01907	Letter: from HR to Thomas Morales				
1400.	08/15/01	D01908- D01909	Job Opportunity Application: Locomotive Engineer Trainee				
1401.		D01910	Morales Resume				
1402.	09/17/01	D01911	Background Check for Internal Candidates				
1403.	08/23/01	D01912	Letter from HR to Morales				
1404.	10/10/01	D01913- D01920	Interview Rating Notes				
1405.	09/25/01	D01921	Background Check for Internal Candidates				
1406.	09/25/01	D01922	Background Check for Internal Candidates				
1407.	10/10/01	D01923	Background Check for Internal Candidates				
1408.	10/10/01	D01924	Background Check for Internal Candidates				
1409.	10/10/01	D01925- D01926	Rating Scale form				
1410.	08/23/01	D01927	Letter: from HR to Frank Caron				
1411.		D01928- D01929	Caron Resume				
1412.	09/05/01		CA DMV Information				
1413.	10/04/01	D01931	Background Check for Internal				

1414.	10/05/01	D01932	Candidates Background Check for Internal Candidates			
1415.	09/25/01	D01933	Background Check for Internal Candidates			
1416.	09/25/01	D01934	Background Check for Internal Candidates			
1417.		D01935	"Note Qualified" note			
1418.	08/23/01	D01936	Letter: from HR to Eugene Wasylina			
1419.		D01937- D01940	Wasylina Resume			
1420.	08/10/01	D01941- D01942	Letter: from Wasylina to Amtrak HR			
1421.	08/15/01	D01943- D01944	Job Opportunity Application: Locomotive Engineer Trainee			
1422.	08/23/01	D01945	Letter: from HR to Jason Garman			
1423.	08/29/01	D01946	Letter: from HR to Charles Sawyer			
1424.	08/06/01	D01947	Sawyer Resume			
1425.	08/23/01	D01948	Letter: from HR to Blair Bruffett			
1426.	08/10/01	D01949	Bruffett Resume			
1427.		D01950	Bruffett Resume			
1428.	08/23/01	D01951	Letter from HR to Angel Servantes			
1429.	08/08/01	D01952	Transfer Request			
1430.	08/08/01	D01953- D01954	Job Opportunity Application: Locomotive Engineer Trainee			
1431.	08/23/01	D01955	Letter: from HR to Lee Guillory			
1432.	08/13/01	D01956- D01957	Job Opportunity Application: Engineer Trainee			
1433.	08/23/01	D01958	Letter: from HR to Theresa James			

1434.	08/22/01	D01959- D01960	Job Opportunity Application: Locomotive Engineer			
1435.	08/23/01	D01961	Letter: from HR to Bradley Fick			
1436.	08/15/01	D01962- D01963	Job Opportunity Application: Engineer			
1437.	08/23/01	D01965	Letter: from HR to George Solimine			
1438.		D01964	Fick Resume			
1439.	08/13/01	D01966- D01967	Job Opportunity Application: Engineer			
1440.		D01968	Solimine Resume			
1441.	08/23/01	D01969	Letter: from HR to Debrice Gallo			
1442.	08/15/01	D01970- D01971	Job Opportunity Application: Locomotive Engineer Trainee			
1443.		D01972	Protopopov Resume			
1444.	08/23/01	D01973	Letter: from HR to Protopopov			
1445.	08/15/01	D01974	Letter: from Protopopov to HR			
1446.		D01975- D01976	Ruiz Resume			
1447.		D01977	Letter: from Ruiz to HR			
1448.	02/12/02	D01978	Letter: from HR to Raul Rubio			
1449.	08/23/01	D01979	Letter: from HR to Raul Rubio			
1450.	08/07/01	D01980- D01981	Job Opportunity Application: Locomotive Engineer Trainee			
1451.		D01982	Rubio Resume			
1452.		D01983- D01992	Rubio Certificates			
1453.	02/12/02	D01993	Letter: from HR to Jerold Washington			
1454.	08/29/01	D01994	Letter: from Ho to Jerold Washington			
1455.	08/27/01	D01995- D01996	Job Opportunity Application: Engineer Trainee			

1456.	08/16/01	D01997	Transfer Request				
1457.		D01998	Other Amtrak Human Resources Location				
1458.		D01999	"No Advertisement" note				
1459.		D02000	Washington Resume				
1460.	02/12/02	D02001	Letter: from HR to Eric Price				
1461.	08//23/01	D02002	Letter: from HR to Eric Price				
1462.	08/16/01	D02003- D02004	Job Opportunity Application: Locomotive Engineer Trainee				
1463.	02/12/02	D02005	Letter: from HR to Edward Arratia				
1464.	08/23/01	D02006	Letter: from HR to Edward Arratia				
1465.	08/15/01	D02007- D02008	Job Opportunity Application: Engineer				
1466.	02/12/02	D02009	Letter: from HR to Jason Kytyle				
1467.	08/23/01	D02010	Letter: from HR to Jason Kytyle				
1468.	08/07/01	D02011- D02012	Job Opportunity Application: Locomotive Engineer Trainee				
1469.	02/12/02	D02013	Letter: from HR to Broyles				
1470.	08/23/01	D02014	Letter from HR to Stephen Broyles				
1471.	08/15/01	D02015- D02016	Job Opportunity Application: Locomotive Engineer				
1472.	02/12/02	D02017	Letter: from HR to Leonard McGraw				
1473.	08/23/01	D02018	Letter: from HR to Leonard McGraw				
1474.	08/08/01	D02019- D02020	Job Opportunity Application: Locomotive Engineer				
1475.	02/12/02	D02021	Letter: from HR to Bruce Levin				
1476.	08/23/01	D02022	Letter: from HR to Bruce Levin				
1477.	08/15/01	D02023- D02024	Job Opportunity Application: Locomotive Engineer Trainee				

1478.	02/01/02	D02025	Letter: from HR to Tony Rohrs			
1479.	01/29/02	D02026	Personnel Action Request			
1480.	08/14/01	D02027- D02028	Job Opportunity Application: Locomotive Engineer Trainee			
1481.	02/11/00	D02029	Letter: from Rohrs to HR			
1482.		D02030- D02032	Rohrs Resume			
1483.	10/04/01	D02033	Letter: from Rohrs to Caltrain			
1484.		D02034- D02035	Railroad Operations			
1485.	09/17/01	D02036	Background Check for Internal Candidates			
1486.	08/23/01	D02037	Letter: from HR to Tony Rohrs			
1487.	10/03/01	D02038	Background Check for Internal Candidates			
1488.	01/26/02	D02039	'Return to Sender' postmark re Morales			
1489.	09/25/01	D02040	Background Check for Internal Candidates			
1490.	10/03/01	D02041	Background Check for Internal Candidates			
1491.	09/25/01	D02042	Background Check for Internal Candidates			
1492.	10/03/01	D05043- D02048	Interview Rating Notes			
1493.	10/03/01	D02049	CA DMV Information Request			
1494.		D02050	Vehicle/Vessel Registration information			
1495.	10/03/01	D02051- D02052	Interview Rating Notes			
1496.		D02053	Rohrs Work History/Experience			
1497.	10/02/01	D02056- D02057	Rating Scale form			
1498.		D02058	"PE400" Note			

1499.	08/29/01	D02059	"Return to Sender" postmark re Morales			
1500.	08/23/01	D02060	Letter: from HR to Thomas Morales			
1501.	01/29/02	D02061	Personnel Action Request			
1502.		D02062	"Selected"			
1503.	11/08/02	D02063- D02064	Locomotive Engineer Trainee job posting			
1504.		D02065	"have not" note			
1505.		D02066- D02068	Hadley "interview/performance" memo			
1506.		D02069	"Selected"			
1507.	02/01/02	D02070	Letter: from HR to Carlos Cano			
1508.	08/14/01	D02071- D02072	Job Opportunity Application: Locomotive Engineer			
1509.	10/10/01	D02073- D02078	Interview Rating Notes			
1510.	10/10/01	D02093- D02094	Rating Scale form			
1511.	10/05/01	D02079	Background Check for Internal Candidates			
1512.	09/25/01	D02080	Background Check for Internal Candidates			
1513.	09/25/01	D02081	Background Check for Internal Candidates			
1514.	10/04/01	D02082	Background Check for Internal Candidates			
1515.	08/29/01	D02083	Letter: from HR to Carlos Cano			
1516.	09/17/01	D02084	Background Check for Internal Candidates			
1517.	10/01/01	D02085	Letter: from Cano to Amtrak			
1518.	09/04/01	D02086	Letter: from Walker to PCS/Amtrak			
1519.	08/23/01	D02087	Letter from Amtrak re Cano			

1520.	08/20/01	D02088	Letter from Amtrak re Cano			
1521.	09/20/01	D02089	Letter: from Amtrak re Cano			
1522.	10/10/01	D02090	Interview Rating Notes			
1523.	09/17/01	D02091	Background Check for Internal Candidates			
1524.	01/29/02	D02092	Personnel Action Request			
1525.	02/01/02	D02095	Letter from HR to David Holley			
1526.	01/29/02	D02096	Personnel Action Request			
1527.		D02097	"OK" note			
1528.	08/03/01	D02098-	Job Opportunity Application:			
		D02099	Locomotive Engineer			
1529.	08/01/01	D02100	Holley Resume			
1530.	08/01/01	D02101-	Job Opportunity Application:			
		D02102	Locomotive Engineer			
1531.	08/01/01	D02103	Holley Resume			
1532.	02/01/02	D02104	Letter: from HR to Holley			
1533.		D02105	Page 2 (only) of Interview Rating Notes			
1534.		D02106	"OK" note			
1535.	08/23/01	D02107	Letter: from HR to Holley			
1536.	07/18/01	D02108	Org. Unit/Position printout			
1537.	08/01/01	D02109	Locomotive Engineer Trainee job posting			
1538.	10/10/01	D02110- D02115	Interview Rating Notes			